



European Union
Election Observation Mission

NIGERIA 2023

Final Report



General Elections

25 February and 18 March 2023



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TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY.....	6
II.	INTRODUCTION	9
III.	POLITICAL CONTEXT	10
IV.	IMPLEMENTATION OF PREVIOUS EU EOM RECOMMENDATIONS	11
V.	LEGAL FRAMEWORK.....	12
	a. International principles and commitments	12
	b. Electoral law.....	13
	c. Electoral system	14
VI.	ELECTORAL ADMINISTRATION.....	15
	a. Structure and composition of the election administration.....	15
	b. Public trust in the election administration.....	16
	c. Election preparations.....	16
VII.	ELECTION TECHNOLOGY	18
	a. Legal framework	18
	b. Implementation	19
VIII.	VOTER REGISTRATION	21
	a. The right to vote	21
	b. Voter registration	21
IX.	REGISTRATION OF PARTIES AND CANDIDATES	22
	a. Participation of political parties	22
	b. Selection of candidates and party primaries.....	22
	c. Registration of candidates	24
X.	CAMPAIGN ENVIROMENT	24
	a. Election campaign.....	24
	b. Campaign violence.....	26
XI.	POLITICAL AND CAMPAIGN FINANCE.....	27
XII.	MEDIA.....	29
	a. Media environment	29
	b. Legal and regulatory framework for the media.....	30
	c. Media monitoring findings (see also Annex 1).....	33
XIII.	SOCIAL MEDIA AND DIGITAL RIGHTS.....	34
	a. General overview of the digital environment.....	34
	b. Legal framework for social media and digital rights	35
	c. Social media monitoring findings	36
XIV.	PARTICIPATION OF WOMEN.....	38
XV.	PARTICIPATION OF MAGINALISED GROUPS	40

a.	Participation of persons with disabilities	40
b.	Participation of young persons.....	41
c.	Participation of internally displaced persons (IDPs).....	42
XVI.	CITIZEN AND INTERNATIONAL OBSERVERS	42
XVII.	ELECTORAL DISPUTE RESOLUTION.....	44
a.	Pre-election disputes	44
b.	Electoral offences.....	45
XVIII.	25 FEBRUARY ELECTION DAY AND RESULTS	46
a.	Opening and voting	46
b.	Closing and counting	47
c.	Collation of results	47
XIX.	18 MARCH ELECTION DAY AND RESULTS	48
a.	Opening and voting	48
b.	Closing and counting	49
c.	Collation of results	49
XX.	POST-ELECTION ENVIRONMENT AND RESULTS DISPUTES	50
a.	Reactions to the results.....	50
b.	Post-election environment.....	51
c.	Legal challenges to the results	52
XXI.	TABLE OF RECOMMENDATIONS	54
	ANNEX 1 – EU EOM MEDIA MONITORING RESULTS	73
	ANNEX 2 – SOCIAL MEDIA MONITORING RESULTS.....	82

LIST OF ABBREVIATIONS

AAC	African Action Congress
ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Charter on Human and Peoples' Rights
AGAP	All Grand Alliance Party
ANN	Alliance for New Nigeria
APC	All Progressives Congress
APGA	All Progressives Grand Alliance
APM	Allied Peoples Movement
ARCON	Advertising Regulatory Council of Nigeria
BVAS	Bimodal Voter Accreditation System
C4C	Coalition for Change
CDD	Centre for Democracy and Development
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CoA	Court of Appeal
CODE	Connected Development
CPRD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organisation
CUPP	Coalition of United Political Parties
DPFEA	Declaration of Principles on Freedom of Expression in Africa
DPO	Disabled Persons' Organisations
DSS	Department of State Services
ECOWAS	Economic Community of West African States
EFCC	Economic and Financial Crimes Commission
EOM	Election Observation Mission
EPT	Election Petition Tribunal
EU	European Union
FCT	Federal Capital Territory
FHC	Federal High Court
FRCN	Federal Radio Corporation of Nigeria
GC	General Comment (of the UN HRC)
HoR	House of Representatives
HRC	(UN) Human Rights Committee
IDP	Internally Displaced Person
ICCES	Inter-agency Consultative Committee on Election Security
ICCPR	International Covenant on Civil and Political Rights

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICPC	Independent Corrupt Practices Commission
INEC	Independent National Electoral Commission
IPAC	Inter-Party Advisory Council
IReV	INEC Results Viewing Portal
IRI	International Republic Institute
LGA	Local government area
LTO	Long-term observer
LSTO	Locally recruited Short-term observer
LP	Labour Party
MEP	Member of the European Parliament
NBC	National Broadcasting Commission
NDI	National Democratic Institute
NFIU	Nigerian Financial Intelligence Unit
NGN	Nigerian Naira
NHRC	National Human Rights Commission
NIP	National Interest Party
NITDA	National Information Technology Development Agency
NNPP	New Nigeria People's Party
NPC	National Peace Committee
NTA	Nigerian Television Authority
PDM	Peoples Democratic Movement
PDP	Peoples Democratic Party
PEPC	Presidential Election Petition Court
PVC	Permanent Voter Card
PVT	Parallel Vote Tabulation
PWD	Persons With Disability
RATECH	Registration Area Technician
REC	Resident Electoral Commissioner
SDP	Social Democratic Party
SHoA	State House of Assembly
TV	Television
UNCAC	United Nations Convention Against Corruption
VRR	Voter Registration Roll
YPP	Young Progressives Party

I. EXECUTIVE SUMMARY

The 2023 general elections did not ensure a well-run transparent, and inclusive democratic process as assured by the Independent National Electoral Commission (INEC). Public confidence and trust in INEC were severely damaged during the presidential poll and was not restored in state level elections, leading civil society to call for an independent audit of the entire process. The pre-poll environment was volatile and challenging, affected by economic crises. Fundamental freedoms of assembly and movement were broadly respected, yet the full enjoyment of the latter was impeded by insecurity in some parts of the country. Abuse of incumbency by various political office holders distorted the playing field and wide-spread vote buying detracted from an appropriate conduct of the elections. Incidents of organised violence shortly before and on election days in several states created an environment deterring voter's participation. Media raised voters' awareness, fact-checkers stood up against disinformation and civil society demanded INEC's accountability. The overall outcome of the polls attests to the continued underrepresentation of marginalised groups in political life. Positively, candidates and parties disputing outcomes took their complaints to the courts, although the number of such cases was extensive.

The electoral legal framework lays an adequate foundation for the conduct of democratic elections, with key regional and international standards being ratified. However, gaps and ambiguities in national law enable circumvention, do not safeguard transparency, while also allow undue restrictions to the rights to stand and to vote. Fundamental freedoms of assembly, association, and expression, while constitutionally guaranteed, were not always well protected.

The widely welcomed Electoral Act 2022 (the 2022 Act) introduced measures aimed at building stakeholder trust. However, the Act's first test in a general election revealed crucial gaps in terms of INEC's accountability and transparency, proved to be insufficiently elaborated, and lacked clear provisions for a timely and efficient implementation. Weak points include a lack of INEC independent structures and capacities to enforce sanctions for electoral offences and breaches of campaign finance rules. Furthermore, the presidential selection of INEC leadership at federal and state level leaves the electoral institution vulnerable to the perception of partiality.

Early in the process, while enjoying a broad stakeholder trust, INEC introduced a series of positive measures to strengthen the conduct of the elections. However, closer to the polls some started to doubt INEC's administrative and operational efficiency and in-house capacity. Public confidence gradually decreased and was severely damaged on 25 February due to its operational failures and lack of transparency. While some corrective measures introduced before the 18 March elections were effective, overall trust was not restored.

The introduction of the Bimodal Voter Accreditation System (BVAS) and the INEC Results Viewing Portal (IReV) was widely seen as an important step to ensure the integrity and credibility of the elections. In practice, multiple missteps and lack of transparency before the polls, compounded by severely delayed display of presidential result forms, dashed the public trust in election technologies used. INEC failed to give a timely and comprehensive explanation for the failures on 25 February, hence the improved online display of results forms from the 18 March state elections just fuelled further speculations about what exactly caused the delays after the presidential poll.

A total of 93.4 million voters were registered for the 2023 elections. Owing to civic mobilisation during registration, two-thirds of the 9.5 million new registrants were youth. Yet,

poor institutional planning and, again, lack of transparency negatively affected the collection of Permanent Voter Cards (PVC). Confidence in collection rates per polling unit was undermined due to their belated publication. Overall, an external independent audit could have helped to assure accuracy and inclusiveness of the voter register.

Following a contentious candidate registration process there were 18 contestants for the presidential office, 4,223 for national assembly seats and some 11,000 for state elections. All candidates were selected in party primaries many of which reportedly involved excessive costs to participate, lacked transparency and were marked by low levels of participation of women as aspiring candidates. Leading political parties fielded only two female candidates for highly prized governor seats. This demonstrated a severe underrepresentation of women in political life and a lack of internal party policies to support inclusion, contrary to constitutional principles and international commitments.

Excessive pre-election litigation exposed pervasive intraparty conflicts and, compounded by protracted legal deadlines for solving candidacy disputes, created uncertainty for voters, electoral contestants, and INEC alike. Among at least 1,200 court cases, some were perceived as politicised, others too technical, while some overlapped with the polls. Some legal disputes negatively impacted candidates' prospects to meaningfully campaign, while others risked undermining trust in the democratic process.

The campaign, extended under the 2022 Act, took place in a shifting political landscape with ongoing realignments across party lines. It was competitive and presidential contestants conducted rallies nationwide, but Naira cash and fuel scarcity and insecurity reduced activities and attendance. Canvassing was personality-centred, and many governors used their executive powers to tilt the playing field. Overall, divisive rhetoric with ethnic and religious undertones led to increased polarisation.

The EU EOM recorded 101 violent incidents during the campaign, including at least 74 fatalities. Assassination attempts and killings increased closer to the polls, creating a particularly insecure environment in the southern states. In several northern states, systematic attacks by political thugs on rallies and political opponents was observed. Use of violence obstructed the campaign, disturbed the elections, and suppressed voter participation.

Campaigning was also distorted by an influx of unrecorded money and despite campaign finance being comprehensively regulated the law appears largely ineffective. EU EOM observers received reports of and saw widespread distribution of goods and vote buying. Several state agencies tried to tackle corrupt practices, yet their results were modest. This is evidencing that political will, enhanced institutional capacity, and robust enforcement synergy are needed to ensure transparency and genuine accountability.

Media offered extensive campaign coverage, with APC and PDP getting equitable exposure. During interviews, politicians rebuffed merit-based questions, focusing instead on inter and intra party mudslinging. Analytical reporting was scant as, fearing retribution from the governor, many state-level outlets practiced self-censorship. The broadcast media regulator imposed at least 43 fines without a due process, while numerous attacks on journalists went unpunished. Overall, police inaction compounded by institutional pressures impeded freedom of expression and hindered voters' access to diverse information on electoral choices.

Social media was an important campaigning and mobilisation tool for candidates, especially in close contests. It was further used by political camps to create false impressions of support or to attack opponents, as well as to spread false information. However, social media also

provided a platform for citizens to express their views and stimulated important debates about the elections. Unfortunately, authorities often used the Cybercrimes Act to suppress freedom of expression online.

Online and offline media joined forces with civil society and fact-checkers to safeguard the integrity of the information environment. Real-time fact checking of gubernatorial and other contestants' debates strived to hold candidates accountable, while various formats of voter information raised awareness.

Civil society played a crucial and positive role in the electoral process, offering a non-partisan assessment of INEC's conduct and, after the 25 February polls, calling for greater transparency and accountability. Statements by citizen observer groups also pointed to INEC's failures, while their leaders took part in online and offline discussions focusing on the impact of thuggery, violence, and intimidation on voters, and called for a thorough independent review of the 2023 elections.

Active involvement of youth was expected to be a decisive feature of the 2023 elections, especially considering the 2020's wave of civic activism. However, despite targeted voter information efforts, political parties were seen to exploit youth, many of whom were vulnerable to pressure or coercion on social, financial, and educational grounds. This underlines the need for greater efforts to protect genuine youth engagement in elections.

Independent and active participation in elections of voters from marginalised groups was not sufficiently supported. Persons with disabilities could not always access polling units and assistive devices were rarely available. Data on registration and voting by internally displaced persons was not published. Overall, without a detailed operational framework for inclusion, regional commitments and constitutional guarantees of citizens' equality cannot be achieved.

On 25 February voting was critically delayed by the late arrival of sensitive materials and, during the early stages of the collation, presidential result forms from polling units were not displayed real-time on the IReV as committed to by INEC and anticipated by all stakeholders. A critical failure in the entire election process manifested at collation stage on 25 February, due to widespread disorganisation, a lack of adherence to prescribed procedures, and an unsuitable environment. By the time of the declaration of presidential results, one quarter of result forms were still missing from the IReV, and a significant percentage of the forms uploaded on IReV, often needed for comparison with manual results, were not legible.

On 18 March, voting started on time, yet multiple incidents of thuggery and intimidation interrupted polling, targeting voters, INEC personnel, citizen observers and journalists. On election days, most incidents occurred mainly across the south but also in central and northern states. Voters' deep disillusionment with the conduct of both polls was evident. The quality of the forms uploaded on IReV substantially improved as compared with the presidential elections.

On 1 March, INEC declared that the ruling APC's Bola Tinubu had won the presidential race, while the party retained its parliamentary lead. In total eight parties are now represented in the National Assembly. The APC will have 16 governors, the PDP ten, the LP one, and the NNPP one. The outcome of two gubernatorial and 39 National Assembly races were established in repeated elections on 15 April, after the departure of the EU EOM.

The results for many electoral races were disputed in court, with the presidential petitions dominating public discourse. The judiciary, already challenged by a poor public perception and

resources limitations, is now faced with a daunting task with potential significant long term political consequences. The high number of post-election petitions also are administratively and budgetarily costly for INEC. The post-election environment saw ongoing political animosities, unfolding primarily through the media and online, though protests remained peaceful.

The general elections highlighted a clear commitment among Nigerian voters to the democratic process but also demonstrated an urgent need for transparent and inclusive legal and operational reforms to tackle enduring systemic weaknesses of the electoral process. The EU EOM is offering 23 recommendations to improve electoral processes and to uphold regional and international commitments. They include six priority recommendations:

Priority Recommendations

- 1. Protect the interests of voters through certainty of law for all stages and aspects of electoral processes by eliminating from electoral law and regulations errors and ambiguities to avoid potential for conflicting interpretations, and ensuring the revision processes are inclusive.*
- 2. Establish a robust operational framework for the independence, integrity, and efficiency of electoral administration through an inclusive and publicly accountable mechanism for selecting candidates to the posts of INEC commissioners and RECs based on clear criteria of evaluation of merits, qualifications, and verified non-partisanship.*
- 3. Protect the free expression of the will of the voter and integrity of elections by establishing a robust, transparent, and easily verifiable results processing system with clear rules. These include uploading polling unit results from the polling unit only and in real time, at each level of collation results forms to be uploaded in real time, and all forms to be published in an easily trackable and scrapable database format.*
- 4. Afford adequate protection to freedom of expression by developing a comprehensive operational framework underpinned by the skills and means for ensuring prompt investigation and prosecution of all types of attacks against media practitioners.*
- 5. Undertake urgent and robust affirmative action to ensure meaningful women's representation through special measures in line with the Beijing principles and the National Gender Policy to increase the representation of women as candidates and in elected office, further supported by cross-sectoral, intensified, and sustained capacity building and sensitisation to eliminate discrimination.*
- 6. Address impunity for electoral offences through robust, well-defined, and effective inter-agency co-ordination governed by clear rules on non-partisanship, optimisation of resources, delivery of effective investigation and sanctioning, and provision of regular public consolidated information on outcomes.*

II. INTRODUCTION

The European Union (EU) deployed an Election Observation Mission (EOM) to observe the 25 February Presidential, Senate and House of Representatives (HoR) elections, and the 18

March Governorship and State Houses of Assembly (SHoA) elections in Nigeria, following an invitation from the Independent National Electoral Commission (INEC). The EU EOM was present from 11 January to 11 April 2023. The mission's mandate was to observe all aspects of the electoral process and assess the extent to which the elections complied with international and regional commitments for elections, as well as with national law.

The EU EOM was led by the Chief Observer, Barry Andrews, Member of the European Parliament from Ireland. The EU EOM comprised a core team of 11 analysts based in Abuja and 40 long-term observers deployed to all regions of the country. For the 25 February election day, the EU EOM was reinforced with 54 locally recruited short-term observers bringing the total to 110 observers from 25 EU Member States, as well as from partner countries Canada, Norway and Switzerland and including a seven-member delegation of the European Parliament, led by Evin Incir, Member of the European Parliament from Sweden. For the 18 March election day, the EU EOM was reinforced with 16 locally recruited short-term observers. In total, the EU EOM deployed 63 observers for the gubernatorial elections.

The EU EOM is independent in its findings and conclusions. The mission followed an established methodology and adhered to the "Declaration of Principles for International Election Observation", endorsed under United Nations auspices in October 2005 and now espoused by over 50 organisations. The EU previously deployed EOMs to Nigeria in 1999, 2003, 2007, 2011, 2015, and 2019.

III. POLITICAL CONTEXT

The 2023 general elections were the seventh since the restoration of civilian rule in 1999 and the second after a completed second term of presidency. The federal polls were held for presidency and two chambers of the National Assembly composed of 109 Senate and 360 HoR seats. State polls were held for 28 of the 36 governors in Nigeria and 36 SHoA comprising 993 seats across Nigeria.¹ Nigeria is composed of 36 states in six geo-political zones² and the Federal Capital Territory (FCT).

In the lead-up to the elections, major concerns were related to the complex security situation in the country. Insurgencies in the North-East zone, banditry and terrorism in the North-West, ongoing farmer-herder conflicts in the Middle Belt, secession agitations in the South-East, and increased cases of political abductions and killings in the southern parts of the country made for a very challenging election environment.

In addition, the elections took place against the backdrop of deepening economic crises, with rising unemployment and poverty rates, high inflation, and prevailing fuel scarcity across the country. The crisis was exacerbated by the government decision of October 2022 to implement the Naira reissue policy to tackle, among others, the illicit influx of money in the country. The swap of the Naira amid the campaign led to an acute Naira cash scarcity and precipitated economic hardship leading to protests, social unrest and increased political tensions shortly before the elections.

¹ Eight states, Anambra, Bayelsa, Edo, Ekiti, Kogi, Imo, Ondo and Osun, have off-cycle elections due to previous court rulings. SHoA seats are also elected based on the first-past-the-post in single-seat constituencies. Larger populated states such as Kano and Lagos have assemblies with 40 seats, while lesser populated states, such as Bayelsa, Yobe and Ekiti, among others, have 24 seat assemblies.

² South-West, South-South, South-East, North-East, North-Central and North-West.

Nigeria has a history of troubled elections and steadily growing voter disenchantment.³ Nevertheless, the 2023 presidential elections were highly anticipated due to the long-awaited reforms introduced by the 2022 Act and the widespread expectation that voter participation, especially among the youth, would be significantly higher than in previous elections.

The great public interest in the elections was also related to the emergence of other party contenders challenging for the first time the two-way electoral contest between the incumbent All Progressives Congress (APC) and the opposition Peoples Democratic Party (PDP), which lost power in 2015, after 16 years in office. There is a constitutional requirement for political parties to reflect a federal character. Parties have become devoid of distinct ideology, with leading candidates at federal and state level often changing loyalties to increase their chances in elections. The backdrop of the 2023 elections was marked by a shifting political landscape due to increased factionalism, especially within the major opposition PDP.

The APC ran the presidential race with Bola Tinubu, former governor of Lagos. The flagbearer of PDP was former Vice-President Atiku Abubakar. The dominance of both main parties was contested by Peter Obi, former Governor of Anambra, who defected from PDP in May 2022 to run under the banner of the Labour Party (LP) and enjoyed strong popularity, especially among the youth, in some southern and Middle Belt states. A fourth contender, particularly strong in the northern Kano State, was Rabiu Kwankwaso, a former governor, who ran with the New Nigeria Peoples Party (NNPP). In all, there were 18 parties participating in the elections; all of them fielded a presidential candidate, only one of them was a woman.

By convention there is a rotation between zones in key elected and appointed positions in Nigeria, to promote national balance of religious representation between the predominantly Muslim north and the predominantly Christian south. At the end of the constitutional two terms limit of President Buhari (Muslim from the north), the presidential elections ensued wide-reaching controversies about zonal representation triggering intra-party disputes as neither the APC Muslim/Muslim ticket nor the PDP Muslim/Christian ticket were seen to adhere to it.

Federal and state-level elections dynamics are interrelated in Nigeria, with governors and SHoA candidates playing a key role in the mobilisation of grassroots support for the federal elections.⁴ For many voters, state elections are particularly important as governors hold extensive executive powers and influence over state resources and local development. Prior to the elections, the APC had 17 of the 28 contested governor offices and PDP 11 of them.

IV. IMPLEMENTATION OF PREVIOUS EU EOM RECOMMENDATIONS

Some partial implementation of recommendations after the 2019 elections.

Following the 2019 elections, the EU EOM pointed to the need for ‘serious legal and institutional reform’ and consequently made 30 recommendations, of which seven were identified as priority recommendations.⁵ Of these, one can be considered as fully implemented. INEC did start to hold regular consultations with political parties and increased its use of press conferences before the elections. Some 10 further recommendations were partially implemented, of which three of were priority recommendations.

³ The voter turnout has gradually declined from 69.08 per cent in 2003 to 34.75 in 2019.

⁴ Following the 2022 PDP primaries, five aggrieved governors withheld their support for the party presidential ticket; PDP lost the presidential vote in all five states.

⁵ In March 2022, a [European Union Election Follow Up Mission](#) issued its report on the status of implementation of the recommendations of the EU EOM Nigeria 2019.

The three partially implemented priority recommendations included i) provision for real-time access to polling units' results, ii) powers to INEC to review decisions of returning officers, and iii) moving pre-election legal disputes to Federal High Courts; a positive step toward avoiding conflicting outcomes, despite ongoing problems for timely resolution of cases. Other recommendations that were partially implemented included i) a clearer basis in law for determining over-voting, ii) some improved access for Permanent Voters Card (PVC) collection, iii) additional powers for INEC in monitoring party activities, and iv) new caps for campaign financing.

However, all these developments lacked a further component of transparency as there was no assurance of timely access to key information of public interest. Remaining partially implemented recommendations included i) significantly increased numbers of polling units, albeit with many variations in voter numbers, ii) transmission of voter accreditation data with results for polling unit level and iii) INEC improvements on voting for the community of persons with disability, although access to assistive devices was very limited and braille ballots, where issued, were only available for the presidential election. Among the unimplemented 2019 EU EOM recommendations, suggested reforms to enhance participation of women were not undertaken.

V. LEGAL FRAMEWORK

An adequate foundation for conducting democratic elections, but uncertainty stems from legal restrictions, ambiguities and inadequate transparency mechanisms.

Nigeria's electoral legal framework lays an adequate foundation for conducting democratic elections, with a consistent hierarchy of rules and clear mechanisms for dispute adjudication. At the apex is the 1999 Constitution (as amended) (Constitution) followed by the recently enacted Electoral Act 2022 (the 2022 Act), INEC Regulations and Guidelines for the Conduct of Elections (INEC Regulations) and the Codes of Conduct (CoC) for various electoral stakeholders.⁶ Nigeria's common law based judicial system is central to electoral dispute resolution.

a. International principles and commitments

Positively, the framework is assessed against all key international and regional standards and commitments for democratic elections, as Nigeria has acceded to, signed, or ratified them. The key commitments include the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Democracy, Elections and Governance (ACDEG), the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the United Nations Convention against Corruption (UNCAC). Key regional instruments also endorsed include the African Charter on Human and Peoples' Rights (ACHPR) and the ECOWAS Protocol on Democracy and Governance. Most of these commitments have not been fully transcribed into national law, exposing gaps in domestic legal protections.⁷

⁶ Other laws are considered insofar as they impact basic rights or involve offences related to election processes.

⁷ Courts have recognised when law or state practice is not in harmony with treaty commitments, thereby enhancing at least the moral weight of such undertakings. See also, *Abacha v Fawehinmi*, Supreme Court, 2005 45/97.

b. Electoral law

Positively, the Constitution enshrines fundamental freedoms including expression, assembly and association and the right to a legal remedy. It also underpins key election processes such as the electoral system, candidacy eligibility, voter registration, establishment of and appointments to INEC, conduct of political parties, and dispute resolution before and after elections. At the same time, the Constitution variously restricts opportunities for candidacy; for example, the obligation to be a party member and the need to have a prescribed formal education are contrary to the basic tenets of democratic participation.

The Constitution is not easily amended as the support of two thirds of SHoAs is necessary to ensure the success of reforms. However, various provisions are problematic owing to ambiguity or inadequate formulation. The Constitution does not assure independent selection of INEC members. In other respects, it leaves scope for subjective interpretation such as regards determining presidential and governorship results.⁸ Lengthy dispute-handling timelines mean pre-election matters can and do extend beyond election days and results petitions can also drag on for months, entailing prolonged uncertainty of outcomes.

In the lead up to the elections, the 2022 Act was widely positively received. Its enactment in early 2022 marked the first such reform in a decade. Supplementing key constitutional provisions, the amended law elaborates on political party registration and primaries, voter registration, candidacy, dispute resolution, and includes several trust-building measures, notably extended timeframes for election planning, enhanced financial autonomy for the INEC, and provisions for greater results transparency. It was also perceived to offer greater inclusion for Persons with Disability (PWDs) and Internally Displaced Persons (IDPs).⁹

Certain sections of the 2022 Act lack clarity,¹⁰ with some being unduly broad in scope. The law mandates PVCs for voting, but in an election where polling units are postponed or cancelled, the number of collected PVCs in such polling units has particular importance; if the collected PVC number is greater than the difference between the two lead candidates, then there ought to be a re-election. However, the law does not mandate timely publication of essential PVC data. The law also allows undue scope for potential subjectivity in decision making as regards re-polling. Uncertainty also flows from the provisions for re-scheduling polls following a candidate's death.¹¹

INEC's Regulations and Guidelines for Political Parties were only issued in late 2022, barely four months ahead of elections.¹² The INEC Regulations, issued in May 2022 as party primaries were underway, additionally contain various inaccuracies.¹³ Further, regulations allowing a

⁸ The law requires, among other measures, at least 25 per cent of the vote in two thirds of states (in the case of a presidential election) and LGAs in a state (in the case of governor election), however, the law does not clarify how to deal with uneven numbers of LGAs, while in a presidential contest, there are different views on how to treat the FCT (i.e. as a state or as a separate entity).

⁹ The 2022 Act mandates INEC to reasonable steps to ensure such persons were facilitated and not disenfranchised.

¹⁰ Clause 28(2) of the second schedule to the 2022 Act cites section 134, this also appear to be an erroneous reference.

¹¹ 2022 Act, Section 34(1) is unclear as to what procedure applies for verifying a death and the wording of the clause, as to the timing for a new poll, is also unclear.

¹² ECOWAS Protocol on Democracy, Article 2 1. "*No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors.*" These regulations have notable aspects including caps on political party election expenses.

¹³ For example, Regulation 56 refers to overvoting in clause 39, but this is not a correct reference. Regulation 12 (iii) refers to 2 – but omits the period - days or weeks.

zero result in polling units where there is resistance to the use of BVAS allows undue scope for voters to be deprived of their franchise due to the acts of a few obstructors.¹⁴

PRIORITY RECOMMENDATION: *Protect the interests of voters through certainty of law for all stages and aspects of electoral processes by eliminating from electoral law and regulations errors and ambiguities to avoid potential for conflicting interpretations, and ensuring the revision processes are inclusive.*

Various legal provisions are insufficiently detailed and lack clear markers for timely and transparent implementation. An obvious gap was that INEC failed to issue consolidated official versions of the law, INEC Regulations, CoCs or operational frameworks for public access and information. Instruments were scattered across various sources including civil society websites or apps. Certain instruments had issued belatedly, thus leaving undue scope for lack of awareness and weak implementation.¹⁵ The general lack of timely and key information is not consistent with international standards on transparency.¹⁶

RECOMMENDATION: *Ensure institutional accountability by the timely inclusive consultation on publication and dissemination of all election related laws, regulations and guidelines, and, upon enactment, make consolidated official legislation easily accessible to the public in hard copy and on-line via the INEC website.*

Electoral disputes are handled by courts, with ad hoc election tribunals established for results challenges. The courts are broadly accessible for addressing pre- and post-election disputes, including rights of appeal. Court decisions are frequently reported in the media but access to decisions is challenging as judgments are not always publicly available.

c. Electoral system

The 2023 general elections involved 1,491 constituencies. The races for the presidential and governorship positions were based on a majority run-off system, while the senatorial, HoR and SHoA elections were held on a first-past-the-post basis. Presidential and gubernatorial contests are decided based on two first round thresholds in each race; i) the highest number of votes cast¹⁷ and ii) a minimum 25 per cent of the votes cast in at least two-thirds of the administrative divisions of the respective constituencies (i.e. 24 of 36 states and the Federal Capital Territory (FCT) in a presidential contest or, in a gubernatorial contest, at least two thirds of the Local Government Areas, LGAs).¹⁸ In the event that no candidate conclusively passes the thresholds, the law foresees a second round on the same basis but only with the two leading candidates. If neither second-round candidate passes the thresholds, a third round based on the highest vote decides the winner.

¹⁴ INEC Regulation 100(ii).

¹⁵ For example, a draft operational framework for IDP voting issued after voter registration closed.

¹⁶ ICCPR General Comment (GC) 34 para. 19, “States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.” CAC article 7.4, “Each State Party shall... endeavour to adopt, maintain and strengthen systems that promote transparency.”

¹⁷ If there are only two contestants in a race, the first threshold requires a majority of votes cast.

¹⁸ The two-thirds requirement when applied to an uneven number of LGAs means either that the resulting number is rounded up or a decision is taken to calculate based on results in two-thirds of one LGA. In this the law is unclear. A similar issue arose when Nigeria had only 19 states (*Chief Obafemi Awolowo vs. Alhai Shehu Shagari & Ors., SC 62.1979*). Then, the Supreme Court by majority ruled the results could be calculated by taking only two-third of the voters in one of the states. In the case of president and governor, the law foresees the possibility for a second and, potentially, third round, in a situation where no candidate reaches the threshold in a first round.

Elections to the NA (Senate and HoR) as well as the SHoA are conducted based on a first-past-the-post electoral system. There is an overall issue with the inequality of the vote due to outdated constituency delimitations,¹⁹ while tackling this issue has long been a politically sensitive matter. The conduct of a census, a necessary prerequisite for a delimitation exercise, was last undertaken in 2006. Moves are currently underway for a census in 2023. This could result in an opportunity to review boundary delimitations, last done in 1996.

VI. ELECTORAL ADMINISTRATION

Institutional deficiencies and lack of transparency and access to key information led to low public confidence in the process and adversely affected the conduct of the elections.

a. Structure and composition of the election administration

INEC is a constitutionally independent body composed of a Chairman (Chief Electoral Commissioner) and twelve other commissioners with extensive responsibilities, including organising all elections down to state level, registering and monitoring political parties, registering voters, delimiting constituencies and prosecuting of electoral offences. The Resident Electoral Commissioners (REC) operating at state level perform the functions delegated by INEC. The INEC commissioners and the RECs are directly appointed by the President, subject to confirmation by the Senate. INEC maintains permanent offices across the 36 states, the FCT and 774 LGA.

The Constitution provides that all members of INEC are strictly non-partisan. At the same time, there is no legal requirement that their selection be undertaken according to merit and qualification to ensure the independence and efficiency of the institution. CSO examination of the selection process signalled that the selection process of both INEC commissioners and RECs were neither transparent nor in line with the non-partisan requirement. The selection of some commissioners also raised concerns about their professional skills and background. The selection process leaves the electoral institution vulnerable to being viewed as aligned with the government.

Following the federal-level elections, RECs were mandated by INEC to bar all staff found to be negligent from conducting the elections. However, only a few key electoral officials were held accountable, despite the scale of election day failings across the country, as observed by the EU EOM in particular in the South-East, the South-South, Kano and Lagos. The RECs in Abia and Sokoto were suspended without clear public explanations and their role filled by administrative secretaries. INEC has the power to withdraw powers from the RECs but cannot legally dismiss them as they too are presidentially-appointed officers. This exposes further systemic weakness in the electoral institutional design that obstructs fostering of professionalism and trust.

PRIORITY RECOMMENDATION: *Establish a robust operational framework for the independence, integrity, and efficiency of electoral administration through an inclusive and publicly accountable mechanism for selecting candidates to the posts of INEC commissioners and RECs based on clear criteria of evaluation of merits, qualifications, and verified non-partisanship.*

¹⁹ Seats per states in the HoR vary from 2 to 24. Based estimates from 2019, the population per HoR seat varies from 1 per 460,000 in Kogi state to 1 per 750,000 in Zamfara.

b. Public trust in the election administration

INEC's performance and reputation improved significantly after the 2019 elections with various advances including the use of new technology, giving stakeholders hope for improved elections. Prior to the 2023 presidential polls, stakeholders had expressed confidence in INEC's independence. INEC collaborated with state agencies to discuss various issues, including electoral security. However, INEC's communication strategy was limited to sharing often vague information through stakeholder consultations and press conferences. Key electoral procedures and precise electoral data were not published in a timely manner. This included safeguards for the integrity and reliability of the BVAS, the process of collecting PVCs, voter registration updates or the rationale of court orders changing candidate lists and result processes. Adequate and prompt publication of such information would have enhanced transparency and lent greater certainty to the process.

Public confidence and trust in INEC were severely damaged due to lack of transparency and operational failures in the conduct of the federal level polls and INEC's delayed and insufficient explanations for those failures. Until the end of the electoral process, INEC continued to abstain from providing information, limiting its communication to a few press releases and ceremonial statements, and hence failing to address public grievances and rebuild confidence.

c. Election preparations

Despite some concerns, INEC repeatedly assured stakeholders that it had the necessary resources and that it was ready for the smooth conduct of the elections. However, INEC faced a hostile environment for election organisation on several fronts. This at times impeded its operational capacity and instilled fear in voters. In the one-year period preceding the polls, and excluding election days, 21 attacks on INEC facilities and staff were recorded. These were mostly in the South-East during the final weeks before the elections. INEC's operational capacity was also hampered by the fuel and Naira shortages which affected the smooth transport of materials and deployment of some 1,000,000 ad-hoc staff. Poor infrastructure in some parts of the country also entailed challenges for logistical operations such as the delivery of materials.

There were considerable budgetary allocations for the administration of the 2023 general elections, more than twice the budget received for the 2019 general elections.²⁰ The 2022 amendment of the electoral law foresaw a timely budget disbursement to facilitate, inter alia, deployment of new technologies for voter registration, verification of voters, and transmission of results. However, financial limitations were apparent prior to election day as EU EOM observers reported a shortage of training materials, limited capacity to grant accreditations, and inadequate monitoring of the campaign.

Early in the electoral process, INEC introduced a series of positive measures. It increased the number of polling units from 119,974 to 176,846, including in difficult-to-serve areas. However, there were still great disparities between the number of voters registered per polling station with almost 100,000 having more than INEC's operational ceiling of 500 voters. INEC also established a system for electronic accreditation of party agents, media representatives and

²⁰ For the 2023 general elections INEC had a budget of N400 billion (approximately €800 million). Reportedly, large sums have been spent in the procurement of the BVAS. For the 2019 general elections INEC received N189 billion (approximately €380 million).

observers, and deployed new technological solutions to improve candidate and voter registration, voter identification and the transmission of results. However, little effort was devoted to responding to other recurrent problems, such as vote buying, which goes hand-in-hand with illegal campaign financing and remains a challenge in Nigerian electoral processes.

INEC did not manage to successfully establish its own in-house capacities effectively and continued having weaknesses in its administrative and operational functions. INEC adopted the 2023 Election Project Plan with the specific timelines and activities for the general election. The plan was often referred to publicly, however INEC lacked efficient implementation during critical stages of the electoral process, impacting several schedules, notably the voter registration exercise and the production and distribution of PVCs.

The training of ad-hoc electoral staff was negatively assessed by EU EOM observers, as it was delayed and often overcrowded, with insufficient copies of manuals, a lack of BVAS devices for trainings, and not focused on the most important procedures such as the use of technologies, counting procedures, and the completion or cancellation of polling unit results and collation forms. Furthermore, the procedures for the counting and collation of results adopted by INEC were too complex, involving multiple steps, which made it difficult to understand for ad-hoc staff. At the same time the guidelines and manual for polling officials did not include sufficient provisions for dealing with anomalies during collation. These shortcomings contributed to a series of operational failures, particularly in the federal polls.

RECOMMENDATION: *Enhance capacity of electoral staff by revising procedures and subsequent training of the election supervisors, collation officers, and ad hoc polling staff addressing, in particular, the use of technologies, counting procedures, and the completion or cancellation of polling unit results and collation forms.*

Ahead of the governorship elections, INEC invested some efforts to address the failures in the federal-level elections. For example, some *ad hoc* staff, who performed poorly on the 25 February, were replaced. However, INEC did not provide information about the figures of replaced staff. EU EOM observers noted that between the polls INEC conducted refresher training exercises in some states, including for registration area technicians (RATECHs), poll workers, and collation officers. Training focused on the use of BVAS, as well as on procedures for efficient and timely distribution of materials to polling units.

On 8 March, INEC postponed the gubernatorial and SHoA elections from 11 to 18 March.²¹ Prior to this, opposition parties had gone to court to seek access to key election technology linked to presidential data leading to the postponement. Stakeholders considered the postponement as an unavoidable outcome from the court processes, but it was also seen as a window of opportunity for INEC to deliver a better managed election. Despite compressed timeframes, some of these corrective measures were effective including the delivery of electoral materials, and prompter publication of result forms in IReV.

INEC collaborated on voter education with civil society, state agencies, media outlets and influencers to spread its messages, for example, regarding the functioning of the BVAS and IReV, electoral offences, and voting procedures. Despite such efforts, there was widespread public confusion and misinformation as to the differences between manual collation of results and real-time transmission of the results forms for public scrutiny. While there were several

²¹ In its press release INEC stated, “While the ruling of the Tribunal makes it possible for the Commission to commence the preparation of the BVAS for the Governorship and State Assembly elections, it has come far too late for the reconfiguration to be concluded.”

options for some 6.7 million voters who were assigned to a new polling unit to locate it, there was a lack of timely information which caused confusion particularly on the presidential polls. EU EOM observers reported very little voter education devoted to the state elections.

VII. ELECTION TECHNOLOGY

Lack of transparency in the implementation of election technology used and failure to promptly upload the presidential elections results on IReV contributed to decreased public trust in the credibility of the elections.

Public enthusiasm for the 2023 election was strengthened by the introduction by INEC, for the first time in a general election, of new technology for biometric voter verification and electronic transmission of results forms. BVAS was used for biometric facial and fingerprint voter verification and for scanning and uploading the forms. INEC used the IReV portal for publication of results, aiming to enhance transparency and trust and to minimise malpractices.

The BVAS technology was originally introduced as INEC in house development in June 2021 for voter registration and has been used subsequently in off-cycle and by-elections, enabling gradual development and adaptation. On polling days, the BVAS was used to verify a voter's identity by matching the fingerprints or face with the biometric data stored in the memory of the device – in the Nigerian context called accreditation. Without accreditation, the voter is not allowed to vote. BVAS implementation on election day should have significantly mitigated the possibility of multiple and proxy voting and recorded the number of voters who voted in assigned polling stations, so reducing eventual malpractices with inflating the number of voters who voted.

A second use of BVAS was for scanning and uploading polling unit results forms to IReV. This was set up in August 2020 and used during Ekiti and Osun off-cycle elections in 2022. Its aim is to enhance transparency and overall confidence in results by providing real-time public access to polling unit results forms. This was intended to mitigate the risk of manipulation of results between the polling station and collation centre. Most stakeholders including CSOs conveyed a generally positive perception of the technological innovations prior to the elections.

a. Legal framework

Given the context of extensive challenges to the integrity of the elections in recent years, there had been huge interest in increasing the use of technology as a safeguard against malpractices. Strong stakeholder demand in that direction led INEC to take proactive steps for a transition to increased use of technology. INEC strengthened its position through legal provisions for the use of technological devices for voter verification and electronic transmission of results (now introduced in the 2022 Act).

Newly introduced provisions on the use of technology included article 47 of the 2022 Act for the verification, together with reasoning for cancellation of and re-scheduling of an election in respective polling units in case of malfunctioning and non-replacement of the technological device or if the device is not deployed. The law also stipulates compulsory use of the technological device for voters' accreditation, further detailed in INEC Regulations.

Relevant regulations refer to the electronic transmission of results to the collation system as well as uploading a scanned copy of the results form to IReV.²² This is only vaguely supported

²² Article 38 of the Regulations.

by article 60 of the 2022 Act.²³ Regulations foresee electronic transmission of results from collation centre to the higher level of collation. These results processing measurements were not implemented and utilized during the elections, as the collation was conducted manually.

Despite the clear intention to verify original hardcopy polling unit results forms with transmitted polling unit results during collation in the 2022 Act,²⁴ the elaboration of these steps in the INEC Regulations²⁵ is rather vague. The 2022 Act and INEC Regulations also stipulate the need for comparison of the number of accredited voters from the BVAS with the respective number on the results form.²⁶

According to section 62 of the 2022 Act, INEC should maintain an electronic database of elections results²⁷ but it remains unclear if this has been implemented yet. By the time that the EU EOM left the country, INEC did not publish the full presidential election results.²⁸

b. Implementation

The election technology used was implemented under serious deficiencies in the transparency of the whole process. Hardware and software specifications of BVAS, test results, audits, basic procurement details, protocols and guidelines for specific operations and functionality were not made public. Functionality and specifics of the transmission of the results forms were also unclear, without details publicly available, apart from information found in late published manuals, lessening transparency, trust, and certainty. Interviewed Nigerian IT professionals (outside INEC) were not informed about the basic specifics of the election technology used.

INEC missed the opportunity to substantively test operational issues connected with its technology before the 25 February election day. On 4 February, it conducted an inadequate mock exercise in 436 polling stations testing the functionality of the BVAS. EU EOM observers and civil society stakeholders noted that the timing of the mock, the small size of the sample, low voter participation, and unclear written guidelines diminished the practical value of the exercise, while exposing some technical problems with biometric recognition and transmission of results. Furthermore, the mock was run only by INEC professional staff and not by election day poll workers. There was delayed recruitment and training of RATECHs, key technical support staff, as well as of polling staff handling BVAS. At the time of the mock exercise only one fifth of RATECHs were trained.

RECOMMENDATION: *Ensure transparency and allow for public scrutiny of election technology by mandating in law timely disclosure of test and audit results, together with protocols, guidelines, methodology of implementation, procurement, and functionality details.*

During both election days BVAS was able to accredit voters without significant issues. The facial accreditation process was on many occasions surprisingly faster and had fewer rejection

²³ 2022 Act, Art 60 (5):” The presiding officer shall transfer the results including total number of accredited voters and the results of the ballot in a manner as prescribed by the Commission.”

²⁴ Article 64 of Electoral Act.

²⁵ Article 50 of Regulations.

²⁶ E.g., Article 50(v) INEC Regulations.

²⁷ “The Commission shall compile, maintain and update, on a continuous basis, a register of election results to be known as the National Electronic Register of Election Results which shall be a distinct database or repository of polling unit by polling unit results, including collated election results...”

²⁸ EU EOM did not receive the presidential election results per state despite of asking INEC for it in writing.

cases compared to the fingerprint accreditation. This casts doubts on the quality of biometric data (especially fingerprints) in the voter register. At the same time, the calibration of software used for biometric recognition was not publicly known.

The certainty and integrity of IReV portal, promoted as a real-time public viewing platform for results transmitted directly from polling units, was greatly diminished due to failures of prompt transmission and publication of presidential results. Despite expectations that close to all results would appear on IReV immediately after the count on election day, the first results were uploaded only after 10 pm, reaching only 20 per cent by noon on 26 February and then arriving only slowly and steadily over several days. INEC explained the delay as “technical hitches” in a press release on the evening after election day. Moreover, the results of parliamentary elections started appearing before the presidential ones.

By the time of the declaration of the presidential results, more than a quarter of the presidential result forms were still missing on the portal without a clear public justification. By the end of March, there were more than 5 per cent of polling unit results still missing without any explanation;²⁹ results forms about cancelled polling unit results were missing as well. IReV performed significantly better during the 18 March election, but still inadequate for a real-time viewing platform.

Delays and friction in the IReV portal (especially during 25 February elections) prevented smooth access to view the scans. Assurances from INEC that system was adequately prepared and tested were undermined by the system’s performance, thus contributing to diminishing public trust and confidence in results processing. IReV was not used regularly to verify and validate results in collation centres.

PRIORITY RECOMMENDATION: Protect the free expression of the will of the voter and integrity of elections by establishing a robust, transparent, and easily verifiable results processing system with clear rules. These include uploading polling unit results from the polling unit only and in real time, at each level of collation results forms to be uploaded in real time, and all forms to be published in an easily trackable and scrapable database format.

On election days, some procedures connected to the use of BVAS were not entirely followed as well as unexpected issues occurred. EU EOM observers noted that the information about the number of accredited voters was not always sent from BVAS regularly after the closing, contrary to procedures. BVAS offline option to upload results forms, in case of weak internet connection, was largely unused. Results forms were uploaded many times from outside of polling units, also from collation centres, and frequently multiple forms from one BVAS. The role of different levels of credentials used by technical staff were unclear for the observers. The forms with the right credentials could be uploaded from any gadget with respective browser, not exclusively from BVAS. The EU EOM noted during the 18 March elections that re-transmission of the corrected polling unit result forms from collation centres led to replacement of originally uploaded result forms on IReV, contrary to the expectations and information from INEC that both results forms would be visible.

The BVAS machines deployed on 25 February were used again in the same polling units on 18 March. Between the elections BVAS was reconfigured, which also included deletion of accreditation and results data from the previous polls and subsequent storing of the data on the back-end server. INEC did not inform clearly what data exactly were deleted from the BVAS and what exactly were stored on the back-end server. The lack of trust and transparency made

²⁹ This can consist of up to 4-5 million of registered voters depending on the size of particular polling units.

it difficult for INEC to assure stakeholders that all data erased from the BVAS would be stored on a back-end server accordingly.

VIII. VOTER REGISTRATION

A lack of a reliable and inclusive voter register and of adequate delivery of PVCs.

a. The right to vote

Every Nigerian citizen 18 years of age and over may vote, provided they are resident or working in or originating from the locality of registration. As Nigerian citizens must be 18 years of age at the time of registration, any eligible person turning that age after the registration period closed was effectively disenfranchised. The law allows registration up to 90 days before elections, but INEC closed the possibility over 6 months before election day, citing time constraints for preparing the voter register. No temporary mechanism was adopted to avoid disenfranchisements.

RECOMMENDATION: *Provide the opportunity to allow citizens attaining 18 years ahead of elections to register during the previous registration period.*

b. Voter registration

On 11 January, INEC publicly announced the final figures for the voter register and delivered an electronic copy of the same to political parties. Following a partial removal at state level of double registration and underage voters, there were a total of 93,469,008 eligible registered voters, an increase of 9.5 million over 2019. Following mobilisation efforts during the voter registration drive, youth aged 18 to 34 comprised 76.6 per cent of new registrants. Men comprised 52.5 per cent of the voter register and women 47.5 per cent.

Voter registration ran from June 2021 and ended July 2022. INEC improvements to voter registration included online applications, though physical attendance was required twice subsequently for capturing biometric data and for PVC collection. For the first time INEC displayed the voter register online and physically in all LGAs for public inspection. More than 2.8 million double/multiple, underage, and fake registrations were removed. While this was a positive development, it also exposed controversial disparities in the number of removed registrants from the states in the north and in the south.

Despite INEC's effort to improve quality and reliability, the voter register included a considerable number of deceased and emigrated voters, as well as internally migrated but not transferred voters, due to the absence of systematic recording of death and migration. Stakeholders widely acknowledged that there are underage registrants, though the number is unknown. This makes percentage turnouts less and less accurate. There has never been an audit of the voter register. While not mandated by law, such an exercise could enable assessing the accuracy of the register, including the biometric data and inclusiveness.

RECOMMENDATION: *Establish a reliable basis for an inclusive and accurate voter register by undertaking a timely external independent audit of it including in person data checking, sample analysis, and biometric data quality assessment. The process to be followed by implementation of a clear protocol and guidelines for maintaining the register and should be publicly accountable.*

The law provides that only voters who present a PVC can vote. Registrants had to collect their PVC at the ward or LGA where they registered during a specified period ahead of the polls.

The number of PVCs collected by polling unit was legally established as a basis to determine if the margin of lead between two leading candidates would necessitate a re-run of elections in a close-run contest and if results not obtained from some polling units. Collection started on 12 December and ended on 5 February after INEC twice extended the deadline. Of the 93 million registered voters, some 87 million collected their voter card, 93.3 per cent of the total. INEC did not disclose how many of the 9.5 million newly registered voters collected their card. Data was also not broken down to polling unit level until almost the end of the electoral process. EU EOM observers noted that, at times, PVC collection was negatively affected by poor logistics, incorrectly designated collection offices, and excessively long queues at understaffed collection points. There were also credible reports of proxy collection and PVC buying.

IX. REGISTRATION OF PARTIES AND CANDIDATES

Processes for registering parties and candidates lacked adequate mechanisms to ensure inclusivity and transparency.

a. Participation of political parties

Political parties must be registered with INEC in order to sponsor candidates and canvas for votes and may be deregistered by INEC for failing to meet constitutional requirements relating to legal minimum representation and non-compliance with internal democracy and administrative rules. In a significant change from 2019, 18 political parties were registered for the 2023 elections, down from 91 previously. This followed deregistration of those who failed to reach the representational thresholds in previous elections.³⁰ Various parties challenged INEC's decisions to deregister them, including one, the Youth Party, who succeeded in their Supreme Court case, but too late to contest the 2023 polls. Some 26 other parties also appealed to the courts, but those cases are still pending.

Various aspects of party registration rules could be strengthened, in particular transparency around the correctness of party constitutions and accuracy of membership registers. Parties can register³¹ up to a year before elections. Registered parties must maintain a headquarters in the FCT, an up-to-date party constitution,³² and provide INEC details of national officers periodically and democratically elected. Parties cannot register unless membership is open regardless of origin, sex, religion or ethnicity. INEC powers are overall inadequate to effectively ensure, as anticipated by the Constitution, that internal democracy is observed by political parties. There is a lack of provision for timely public disclosure of non-compliance.

b. Selection of candidates and party primaries

A key barrier to contesting elections is mandatory political party membership, unduly limiting the right to stand contrary to the ICCPR and the ACHPR.³³ The Constitution lists other criteria

³⁰ The performance requirements range from failure to get elected in a single seat in a local council election to failing to reach 25 per cent in a single state in presidential polls. Deregistered parties also lose the right to use their symbols and logo for five years.

³¹ The Constitution empowers INEC to deregister a party for breaching requirements of registration or failing to achieve a minimum threshold of votes or representation. However, deregistration is not mandated for such shortcomings, thus allowing space for arbitrary decision making. A refusal to register a party may be challenged in court provided this is commenced within 14 days of the notification.

³² There is no clear indication whether political party constitutions on the INEC website are up-to-date. Political parties have a constitutional obligation to notify INEC of any constitutional changes within 30 days. The 2022 Act mandates INEC to keep records of the activities of registered political parties.

³³ ICCPR article 25 and HRC GC 25, para. 17 "*The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties.*" The right to stand as an independent candidate

limiting eligibility, including varying minimum ages for elected offices, from 25 years in the SHoA to 40 years for the presidential contest.³⁴ All candidates must have minimum educational qualifications,³⁵ contrary to Nigeria's international commitments on the right to stand.³⁶ Compounding matters, money and the ability to fund an aspiration to candidacy are central to Nigerian politics, essentially making the right to stand a privilege of the wealthy.

As political parties own the candidacy space, they use that aspect as a fund-raising opportunity. To have any chance of contesting elected office, aspirants must participate in party primaries and buy from a party so-called 'expression-of-interest' and 'nomination' forms, often at a high cost. During the 2022 primaries, reportedly, the larger parties charged non-refundable fees ranging from 10 million Naira (approx. EUR22,000) for an opportunity to compete in HoR primaries, to as much as 100 million Naira (approx. EUR225,000) for presidential forms. Media reported that APC and PDP could amass up to 44 billion Naira (approx. EUR100 million) in 2023 form sales.³⁷ With such vast sums at play, the pressure to win a primary was high. At the same time, various political parties stated to have incentives, such as reduced costs and even free forms for women and youth, but other costs including the pressure to compete for delegate votes acted as a de-facto impediment to inclusion.

RECOMMENDATION: *Remove unreasonable restrictions to the right to stand by curbing the charging of excessive fees for consideration as a candidate in party primary elections.*

The 2022 Act allowed several possibilities for conducting 2022 party primaries, with most parties opting for indirect processes based on voting by delegates. Inconsistent party oversight of candidate selections, weak political loyalties, and bitter rivalries between aspiring candidates were demonstrated by the many legal disputes following the selection processes. The subsequent submission of candidate lists information – nominations – to INEC by parties was at times incomplete or disorganised and thus contributed to uncertainty for nominees at both governorship and SHoA level.

The Constitution confers on INEC the power to monitor party primaries,³⁸ while the National Assembly has the right to make related rules and to enable INEC ensure parties observe fair and transparent primaries. Neither of these constitutional provisions amount to an obligation to intervene in the internal affairs of political parties. However, the 2022 Act imposes sweeping obligations on INEC to keep records of the activities of all the registered political parties and to monitor party primaries. This entails unrealistic expectations on INEC as the registrant of nominated candidates, to manage party conduct, while at the same time being drawn into intra party disputes, notably arising from disputed conduct of candidate selection conventions.

has also been recognised by the African Court on Human and Peoples' Rights. In *Tanganyika Law Society and The Legal and Human Rights Centre and Reverend Christopher Mtikila v The United Republic of Tanzania*, (009 & 011/2011), the court found the ban on independent candidacy violated the *individual* right to equal protection, prohibitions against discrimination and rights to political participation and association in the African Charter.

³⁴ Reasonably, disqualifications for bankrupts and certain convictions are suspended if being appealed in court.

³⁵ This means a 'secondary school leaving certificate' as defined in the Constitution (Part IV) or some defined alternatives. INEC may also determine what is acceptable, leaving scope for arbitrary decisions in this regard.

³⁶ UDHR, article 21, para. 2, "...equal access to public service..."; ICCPR; HRC GC 25, para. 15, "*Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation...*"; Convention on the Rights of Persons with Disability, (CPRD), article 29 "*States Parties shall [...] undertake to: a) Ensure that persons with disabilities can effectively and fully participate in political and public life [...] by: .; ii. Protecting the right of persons with disabilities to [...] to stand for elections, to effectively hold office,*"; and UDHR article 20, para. 2, "*No one may be compelled to belong to an association.*"

³⁷ See: <https://guardian.ng/news/economy-governance-to-suffer-as-apc-pdp-garner-n43-9b-from-forms/>

³⁸ Constitution, Third Schedule, Part 1, section 15(c).

c. Registration of candidates

INEC candidate lists for federal and state elections were published on 20 September and 17 October 2022, respectively. The list showed 4,241 candidates across presidential, Senate and HoR elections. In gubernatorial and SHoA races, some 10,700 contestants were registered. APC and PDP fielded the most candidates across all elections followed by NNPP and LP. There was a solid presence of young candidates in the SHoA elections,³⁹ but youth were under-represented in other contests, while PWDs were almost entirely absent.

To enhance efficiency, INEC opened an online portal for parties to submit candidate nominee information for registration. While in most instances the process operated effectively, sometimes access was apparently not guaranteed, thus resulting in the alleged exclusion of candidates, as evidenced in a legal petition of the Action Alliance who claimed their legitimate presidential candidate was excluded for that reason.⁴⁰

Various rules for confirming nominated candidates are imposed by law, including prohibitions on nominating more than one candidate, though the procedures for verification were not prescribed. Further, the law declares void any nomination where the candidate knowingly allows such nomination in more than one constituency. This also leaves space for litigation to establish if a disputed double nomination was committed knowingly.⁴¹ In cases where a nominated candidate died before an election, the rules require a rescheduling of the elections, but this was not followed in at least one case.⁴²

X. CAMPAIGN ENVIRONMENT

Competitive campaign environment blighted by internal party conflicts, interference by governors, and use of orchestrated violence.

a. Election campaign

The campaign took place in a competitive, highly charged and complex political environment marked by increased party factionalism and ongoing realignments across party lines. The race centred around candidate personalities and not party manifestos. This limited the opportunities for voters to make a well-informed choice, despite the early start of the campaign period extended under the 2022 Act from 90 to 150 days.⁴³ During the prevailing part of the campaign and in most states, the contestants were able to conduct campaign activities with freedoms of movement and expression broadly respected. However, campaigning was impeded in some parts of the country by insecurity as well as the acute Naira cash and fuel scarcity leading to the suspension of the presidential campaign in some states and a general decrease in rallies and attendance, especially in the last phase of the campaign.⁴⁴ Furthermore, EU EOM observers

³⁹ See section below, *Participation of young persons*.

⁴⁰ *Action Alliance and Solomon David OKanigbuan v INEC, APC and others*, Petition, CA, PEPC/01/2023.

⁴¹ The issue is pleaded by Allied People Movement (APM) in their petition challenging the outcome of the 2023 presidential election. *APM vs INEC, APC and others*, Petition CA/ PEPC/04/2023.

⁴² For example, the NNPP HoR candidate in Wudil/Garko Federal Constituency in Kano State, Kamilu Isa, reportedly passed away on 20 February. Nevertheless, HoR elections took place without being rescheduled as anticipated by the 2022 Act. At least two governorship candidates died in late January in Abia and Adawama, In relation to Abia, INEC did publicise the procedure open to the party to hold fresh primaries.

⁴³ The official campaign started on 28 September 2022 for the federal and two weeks later for the state-level elections.

⁴⁴ The APC suspended presidential campaigns in Lagos, Ondo and Oyo.

noted that executive decisions and restrictive actions by some governors negatively impacted the level playing field and the campaign environment.⁴⁵

Political parties and candidates across the country complained of unequal access to public venues, billboards, and other forms of outdoor advertising, due to state governments restricting access. EU EOM observers recorded denials of access to opposition candidates to state-owned stadiums and school premises, selectively imposed excessive venue fees, as well as cases of some roads being temporarily blocked, and party offices closed to impede campaigning by opponent candidates.⁴⁶ EU EOM observers also noted a particularly constrained campaign environment in Rivers State with the governor imposing campaign rules that were more restrictive than INEC regulations.⁴⁷

EU EOM observers also received credible reports of pressure on civil servants by governors, for example through termination of work contracts as an intimidation measure or withholding salaries as a guarantee for delivered results in the campaign.⁴⁸ Misuse of state resources was evident, primarily through the promotion of social protection and relief programs, which significantly intensified shortly before the polls.⁴⁹ Overall, stakeholders noted an increase in intimidation and vote-buying strategies compared to previous elections suggesting this was a deliberate move to subvert the tightened up electoral process after the introduction of new technology. In accordance with regional and international commitments, the 2022 Act prohibits “*the use of state apparatus to the advantage or disadvantage of any political party or candidate.*”⁵⁰ At the outset of the campaign, INEC revised various campaign regulations including for parties and candidates but lacked the institutional capacity for enforcement.

RECOMMENDATION: *Enforce INEC’s campaign regulations by establishing a robust and effective monitoring and sanctioning mechanism to curtail abuse of incumbency, including obstructions and interference by state-level authorities.*

Interlocutors and EU EOM observers indicated involvement of religious institutions in the campaign and reference to religion and ethnicity at rallies. In violation of the law, campaigns took place in places of worship, as exposed by media and on social networks. Some Christian and Muslim clerics canvassed for candidates based on their faith, which is an electoral

⁴⁵ For example, in Adamawa and Zamfara, based on accusations of interference in the elections or posing a security risk, all CSOs were barred from all activity, including observation and voter education.

⁴⁶ Such cases were reported across the country and mostly in Lagos, Rivers, Katsina, Kaduna, Delta, Edo, Ogun and Kogi. Section 91(4) of the EA22 stipulates that no registered political party in Nigeria, its aspirants or candidate shall be prevented from holding rallies, processions or meetings.

⁴⁷ Executive Order RVSG 21 of 30 September 2022 required from candidates a non-refundable security fee of five million Naira to hold rallies at public-school premises; Executive Order RVSG 22 of 11 November 2022 required from candidates for the hiring of party office to obtain the permission from the Commissioner for Urban Planning, subsequently the PDP presidential campaign office in the state was closed.

⁴⁸ The National Human Rights Commission (NHRC) reported cases of upheld salaries of civil servants (political appointees) in Enugu state to be paid first after delivered results in the elections. In Katsina, [several high-level officials were dismissed](#) after a disappointing outcome for APC in the 25 February presidential elections and LGA officials were threatened to lose their jobs if they did not ensure victory in the upcoming gubernatorial polls. At the outset of the campaign, [the governor of Rivers announced the recruitment of 200,000 special assistants](#) to work as political aides at all LGAs. In the last week before the state elections, the governor of Rivers authorised a promotion of civil servants at all levels.

⁴⁹ As noted by EU EOM observers and reflected in media reports, governors publicly provided inducement, including [significant grants for traders](#) (Gombe), [distributed vehicles, motorcycles, and buses](#) (Yobe, Gombe, Adamawa, Lagos), [palliative materials](#) and [cheques](#) to different beneficiary groups (Nasarawa, Yobe, Kwara), [paid backlogged pensions to civil servants](#) just days before the polls, [released impounded vehicles to owners free of charged](#) and used [infrastructure](#) and [social development projects](#) for campaign purposes across the country.

⁵⁰ Section 92 (2) 2022 Act. ICCPR, HRC GC, para. 19, “*Persons entitled to vote must be free to vote for any candidate...without undue influence or coercion of any kind, which may distort or inhibit the free expression of the elector’s will.*” ECOWAS Protocol on Democracy and Good Governance, article 38 (1), “*...fight corruption and manage national recourses in a transparent manner, ensuring that they are equally distributed.*”

offence.⁵¹ In the aftermath of the presidential elections, the use of religion and ethnicity in the campaign increased and largely shaped the campaign rhetoric in states like Lagos, Nasarawa and Kaduna. Ethnic tension was particularly strong in Lagos, where the gubernatorial campaign was dominated by divisive language of ethnic belonging and exclusion. Stakeholders expressed concerns that the elections have deepened divisions along religious and ethnic lines in the country. The National Peace Committee (NPC) condemned the use of “*ethnic and religious labels*” as a tool to “*achieve voter suppression*.”⁵²

The campaign was marred by intra-party conflicts, mostly within the PDP and APC and often related to disputes over zonal representation. Several party members and candidates were suspended or expelled for alleged anti-party activities shortly before the polls. Both APC and PDP campaigns, including online, used abusive language with mutual personal accusations perceived in the Nigerian context as a form of hate speech.⁵³ Widespread conspiracy theories about plots and attempts to sabotage the elections overshadowed party programmes.

The LP presidential campaign was leader-centred and issue-based and dominated the campaign online. However, it failed to contribute to a cohesive party ideology and the newly established party structures in several states dissolved shortly before election day.

Overall, political parties suffered lack of integrity, ideological purpose, adherence to their own rules, and intra- and inter-party dialogue. This negatively impacted the election environment by exacerbating uncertainty and insecurity for the voters and candidates.

b. Campaign violence

The elections were marred by orchestrated violence widely assessed by stakeholders to have been strategically used to subvert the process and manipulate the elections. In both federal and state-level polls, violent incidents dramatically increased shortly before the election days. During the observation period, the EU EOM recorded 101 cases of campaign related violence resulting in 74 fatalities. The majority of recorded incidents were related to the state-level elections.⁵⁴ Most violence resulted from the deployment of politically sponsored thugs intended to intimidate opponents, obstruct opposition campaign activities, and deter supporters and voters from participation by creating a precarious environment.

Increased numbers of assassination attempts and attacks on candidates and campaign offices contributed to a particular volatile environment in Imo, Rivers, Enugu, Ebonyi, Osun and Cross River. On 23 February, two days before election day, coordinated violent attacks against all three leading parties took place in Enugu-East senatorial district resulting in seven persons killed, six of them LP members, including the LP senatorial candidate. Subsequently, INEC postponed the elections in the district. In some northern states, most particularly Kano, EU EOM observers reported systematic thug attacks on campaigns, including at large-scale presidential rallies.

⁵¹ In several videos exposed on social media, clerics commended a vote for Peter Obi based on his Christian faith or encouraged a vote against “unbelievers” by choosing the “Muslim/Muslim” (APC) ticket.

⁵² [NPC Appeal to Nigerians](#), 16 March 2023.

⁵³ For example, ‘derogatory’ language was used by the APC presidential candidate at [rallies in Ondo](#) on 7 January and in [Akwa Ibom](#) on 30 January and spokesperson of the PDP presidential campaign on 24 January in [Delta](#) by attaching abusive labels to their opponents.

⁵⁴ This was confirmed by the 27 March press release of the police indicating that they were 185 cases of electoral violence recorded during the federal elections and 304 in the state-level elections.

Following the announcement of the 25 February results, violence declined,⁵⁵ however the environment remained tense, particularly in the highly contested states of Lagos, Kano and Rivers. In the last week before the elections, targeted attacks on candidates resumed with abductions and killings reported in Lagos, Ebonyi, Kaduna, Zamfara, Oyo, Rivers and Delta. In Lagos, threats were made against certain ethnic groups by thugs but also by prominent APC party members.

The deployment of vigilantes was a contested issue among stakeholders and parties as the informal security groups were reportedly used to intimidate political opponents and voters. The Department for State Services (DSS) asserted to the EU EOM that no vigilante groups will be used to support the police. Yet, EU EOM observers confirmed that poorly trained and reportedly partisan communal vigilantes were deployed as security by state-level actors. EU EOM observers also noted insufficient presence and, in some cases, inadequate reaction to violence by security services, especially in state-level campaigns.

A National Peace Accord was signed by the presidential candidates under the auspices of the NPC on 29 September 2022, which was followed by a second Peace Accord on 23 February, committing candidates and political parties to peaceful post-election conduct. At the second event, for the first time, all presidential candidates shared a stage. The signing of state-level peace pacts followed in almost all 36 states before the gubernatorial elections. However, the NPC and EU EOM observers reported lack of adherence to the pledges, mainly because of widespread impunity.

Official information on the Inter-agency Consultative Committee on Election Security responses to campaign violence was largely missing. Media reported on arrests by the police, but little information on prosecution was made public. A press release by the IGP on 27 March indicated that there were 781 arrests related to 578 offences made in the elections, yet it remained unclear how many of these arrests led to sanctions. The 2022 Act prohibits the use of force or violence during the political campaign; however, police investigations and arrests often did not lead to effective prosecutions and punishments.⁵⁶

XI. POLITICAL AND CAMPAIGN FINANCE

Comprehensive regulation with limited impact points to gaps for effective implementation and a serious lack of political and institutional will to tackle corruption in elections.

Arguably the most comprehensively regulated aspect of Nigeria's electoral legal framework is the financing of parties, candidates and campaigns,⁵⁷ but at the same time it is also the least impactful, pointing to a lack of political and institutional will to tackle corruption in elections. Constitutional possibilities for state funding through grants have not been actioned, meaning parties are entirely self-funding. Financial pressures manifest in aspiring candidates being key donors to party resources during primaries, while then having to collect significant resources to fund campaigns under unrealistically low expenditure ceilings. Aspects of donations, accounting and reporting are inadequately elaborated and interlink with weak enforcement,

⁵⁵ Except for some isolated violent incidents, for example in Bauchi, Lagos and Kano. Notably, a clash between APC and PDP supporters in Bauchi on 8 March, occurred hours after a peace accord between the gubernatorial candidates was signed.

⁵⁶ The HoR majority leader was arrested on 28 February and brought to court with reportedly police evidence that he allegedly led [an attack against the NNPP office in Kano](#) resulting in three people being killed. He was released on bail on 6 March.

⁵⁷ 2022 Act, sections 85-90, 131 and INEC Regulations 2022; Part 5 - Finances, Election Expenses of Parties, Candidates and Aspirants

leaving the rules and transparency largely inoperative contrary to key international and regional commitments.⁵⁸

Fines for possession of foreign assets or funds is a mere five million Naira (approx. EUR10,000), a modest sum where some parties charge as much as 100 million Naira (EUR250,000) to individuals to seek an opportunity to contest a presidential race on their platform. Further, fines for failing to comply with annual reporting is a mere one million Naira (EUR2,000) and though an additional or alternative prison term may be applied, the provision is potentially unenforceable as the primary reporting duty applies to the party and not the party officials.

INEC's stated position is that it lacks the capacity to undertake the constitutional mandate of overseeing political financing. It is also empowered to examine political party books of account either by itself or by outsourced professional auditors. The Constitution requires parties to publish assets and liabilities at the behest of INEC, submit annual statements on funds, assets and expenditures, and compulsorily disclose and remit to INEC assets or funds obtained from overseas, given a ban on such holdings. INEC is also mandated to report annually to the National Assembly on its findings regarding political party finances. However, underscoring the inefficacy of the mandate, INEC has not reported since 2018.⁵⁹

EU EOM observers noted that INEC endeavoured to monitor campaign spending with modest human resources. INEC teamed up with other state bodies, the Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices Commission (ICPC), the Nigerian Financial Intelligence Unit (NFIU) among others to tackle illicit money in the campaign. However, as these efforts were ongoing the EU EOM also noted significant media attention fell on the chairman of the EFCC after a State High Court (Kogi) issued an arrest warrant against him related to an alleged contempt of court.⁶⁰ Calls were made by various figures for the IGP to apply the then unenforced order, indicating pressures on the institution. Numerous CSOs alleged that the EFCC was politicised and called for its chairman to resign. The inter-institutional wrangling did little to shore up public trust in either the judiciary or the prospects for effective enforcement actions by key state institutions.

EU EOM observers noted, and most EU EOM interlocutors confirmed, widespread allegations and accusations of corrupt practices, including vote buying and buying of PVCs. Days ahead of 25 February polls, the EFCC reportedly seized some 32 million Naira in funds seemingly intended for vote buying in Lagos.⁶¹ Reportedly, there were indications of efforts to influence voters through direct transfers with mobile banking apps as means to overcome the cash shortage. On election day, teams of officers of the EFCC also visited polling units in efforts to deter corruption and made arrests in Katsina, Kano and Zamfara. EU EOM observers noted the distribution of food and other goods and incentives in several states around the country during both elections. However, EU EOM observers also noted an apparent decrease in oversight activity by INEC and anti-corruption state agencies ahead of the 18 March polls.

⁵⁸ UNCAC, article 13; "Each State Party shall... ensure that the public has effective access to information." African Union Convention on Preventing and Combating Corruption, article 10; "Each State Party shall... incorporate the principle of transparency into funding of political parties." CAC, article 7.3, states, "Each State Party shall... enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."

⁵⁹ Since 2016, INEC has been seeking external assistance in dealing with auditing of party accounts. The CAC, article 10, states, "Each State Party shall... adopt procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and...on decisions and legal acts that concern members of the public."

⁶⁰ The court order dating from 12 December 2022 was subsequently [appealed](#) by the EFCC.

⁶¹ [EFCC News Report on Lagos cash seizure, 24 February 2023](#)

Official spending by political parties in traditional and online media was scant. In the broadcast media the share of political advertising ranged from 4 to 20 per cent of outlet's prime-time programming, which according to EU EOM media interlocutors, was a significant reduction compared to past elections. It was attributed to a positive new requirement for outlets to record and report all revenues from political ads as well as mandatory pre-approval of all campaign clips and jingles by the advertising regulator. EU EOM observers reported that some outlets were proactively submitting those reports to INEC and/or EFCC, while others were ready to share those logbooks only if specifically requested. The ability of the EFCC to verify fiscal reports collected from media has not been tested, but if properly implemented could effectively enhance accountability in political finance.

The Advertising Regulatory Commission approved 323 political advertisements, 229 of which were for APC and PDP. The EU EOM media and social media monitoring also showed that APC and PDP were the main spenders on political advertising in traditional and social media. In broadcast media both parties accounted for 84 per cent of all ads, most of which were for the presidential race. Among gubernatorial contestants the APC candidate in Lagos and NNPP's in Kano spent the most, jointly placing some 70 per cent of all campaign ads.⁶² The use of paid advertising on Meta's platforms was relatively low; according to Ad Library, the total amount spent on paid ads in the campaign's peak period (December 2022-March 2023) was less than EUR 40,000.

While overall regulations are substantial, a key component of accountability for parties, candidate and donors alike is the absence of a requirement for traceability of funds to source. Mandating the use of specified pre-disclosed bank accounts, thereby centralising movement of all funds and imposing disclosure requirements on financial institutions as well as those donating or using funds could greatly enhance transparency.

RECOMMENDATION: *Promote transparency and accountability in campaign finances by introducing a mandatory requirement on political parties, candidates and third parties to operate pre-notified dedicated bank accounts for donations, revenues, and spending, subject to clear rules of accounting, reporting, and public disclosure before, during, and after campaigns with robust sanctions for non-compliance.*

XII. MEDIA

Energetic campaign coverage marked by divisive rhetoric, while attacks on journalists unpunished.

a. Media environment

Media offered extensive coverage of the elections, promoted voter information campaigns, and engaged in fact-checking, while facing economic hardship, institutional pressures, and electoral violence. Long-standing systemic drawbacks also curtailed media freedom, and diversity which, in the electoral context, led to a reduced analytical reporting and scrutiny of candidates, effectively interfering with voters' right to make a fully informed choice.

The traditional media scene comprises some 800 outlets, with radio stations being the principal news medium, and playing a pivotal role in shaping electoral choices in rural areas. Television, alongside online and print outlets, were equally important avenues to reach the urban electorate. English was the main language for TV broadcasts, print and online media, while

⁶² For further details see Annex I Media Monitoring results, Chart 2 and Chart 11.

Hausa, Igbo, Pidgin and Yoruba, alongside other local languages were frequently heard on radio stations.

At the federal level, despite symbiotic relationships between some media houses and politicians, commercial competition ensures a certain diversity of views. Meanwhile, at the state level cumbersome broadcast media licence conditions, very high licence fees and security concerns, compounded by politicised allocation of radio frequencies has led to a media environment that is subservient to the incumbent. Insufficient diversity of information sources is more pronounced in the Northern states where prompt affirmative actions are needed to ensure compliance with regional and international standards for media pluralism.⁶³

Failure by law enforcement agencies to prosecute persons who attacked, intimidated, harassed, or obstructed journalists prior to, on and after both election days, put a heavy strain on the overall reporting environment. Physical assaults against media practitioners were recorded in Kano, Lagos and five other southern states with fiercely contested state-level races. In two further states, police on election day arrested two journalists on bogus charges, while malign online harassment of reporters, other media workers and fact-checkers went unpunished. Positively, professional and civil society organisations advocating for freedom of expression promptly condemned all types of attacks on media practitioners and called for resolute actions.

The EU EOM observers confirmed 10 incidents involving media covering elections on 25 February and 21 cases on 18 March. Several attacks occurred in a plain sight of the police and in some cases the police detained the journalist who documented irregularities, but not the attacker. Such incidents clearly demonstrate the absence of actual protection of media practitioners. Only in one of these instances did police open an investigation against the assailant. Overall, impunity encouraged by police inaction was detrimental to freedom of expression, particularly as independent and trusted outlets were targeted, and do not accord with Nigeria's regional and international commitments for protection of the media and freedom of expression as a whole.⁶⁴

PRIORITY RECOMMENDATION: *Afford adequate protection to freedom of expression by developing a comprehensive operational framework underpinned by the skills and means for ensuring prompt investigation and prosecution of all types of attacks against media practitioners.*

b. Legal and regulatory framework for the media

The constitutionally guaranteed freedom of expression and freedom of the press is not upheld by primary legislation. The Penal Code, alongside the Cybercrimes Act and Official Secrets Act, were selectively applied to silence dissent in traditional media and online. Since the start of the campaign at least 18 journalists, who published critical articles on politically sensitive

⁶³ [The Declaration of Principles on Freedom of Expression in Africa](#) (DPFEA), principle 11 (3): “States shall take positive measures to promote a diverse and pluralistic media.”; principle 12 (3): “States shall develop regulatory environments that encourage media owners and media practitioners to reach agreements to guarantee editorial independence.”

⁶⁴ [DPFEA](#), principle 20: “1. States shall guarantee the safety of journalists and other media practitioners. 4. States shall take effective legal and other measures to investigate, prosecute and punish perpetrators. 5. States shall be liable for the conduct of law enforcement, security, intelligence, military, and other personnel which threatens, undermines, or violates the safety of journalists and other media practitioners.”

topics, were arrested for inciting disturbance, for defamation or for similar, vaguely defined offences, contrary to regional and international standards for freedom of expression.⁶⁵

Access to information is provided for by Freedom of Information Act which regulates retrieval and re-use of information held by public institutions. The Act obliges government agencies to respond to journalists' requests, and in case the information cannot be disclosed, requires the institution to give a written response listing reasons for the denial. In practice the implementation of the Act lacks robustness and efficiency as many EU EOM interlocutors as well as the mission itself have faced difficulties or were denied access to information of public interest. Further, reluctance of many state institutions to publicise online and offline information of public interest, including election-related data, falls short of international standards and leaves space for the disinformation to spread.

Media coverage of elections is governed by the 2022 Act and the Broadcasting Code, with the latter prescribing both overarching guidance on media content, as well as an intricate system of operation. Among others, the Code includes broadly worded guidelines for daily newscasts, and has a dedicated chapter for political news and current affairs programmes, applicable during the campaign. Broadcasting of vaguely defined "*fake news*" is prohibited and punishable with a fine. In addition, the 2022 Act requires airtime to be equally allotted among the political parties or candidates, at similar hours of the day. Overall, the legal provisions offer a basis for a levelled playing field in the media, yet vague definitions allow for an arbitrary enforcement to the detriment of critical outlets.

The National Broadcasting Commission (NBC) is tasked to oversee media's compliance with the election coverage rules, yet it lacks independence and transparency, and does not enjoy stakeholders' trust. The NBC Chairman and Director-General are appointed by the president upon a recommendation by the Minister of Information. The NBC Act does not prescribe any pre-selection mechanism of prospective candidates and does not foresee an inclusive public debate on their merits. With no security of tenure for the management and the minister being legally empowered to direct the NBC, the regulator is highly vulnerable to political pressure and is seen by the media industry as an extended arm of the government.

Several NBC decisions made during the campaign and after both election days hampered the freedom of the media, while also attesting to a much-needed reform of the regulator. Just before the start of the campaign, in August 2022, only a court injunction stopped the NBC from revoking 53 broadcasting licences on vague grounds; during the campaign the NBC disproportionately penalised two national TV stations for live broadcasts during which APC and PDP officials used inflammatory language; after 25 February elections the regulator fined 25 and after 18 March elections 15 radio and TV stations for ill-interpreted breaches of campaign coverage rules. In early April, the NBC swiftly responded to an APC complaint, qualified a live interview with the LP vice-presidential candidate as "*volatile and capable of inciting public disorder*", and enforced a maximum possible fine on the respective TV channel.

In all cases, NBC did not allow for due process as broadcasters were not given a chance to explain themselves. None of the decisions was published and, on several occasions, they were first leaked on social media and only then delivered to the media outlet. The NBC also did not react to objections made by the Broadcasting Organisations of Nigeria, a respected professional umbrella organisation. NBC also lacked general institutional transparency, as it has not

⁶⁵ [DPFEA](#), principle 22: "(3) States shall amend criminal laws on defamation and libel in favour of civil sanctions which must themselves be necessary and proportionate. (4) The imposition of custodial sentences for the offences of defamation and libel are a violation of the right to freedom of expression." See also section Social Media and Digital Rights.

published annual reports for several years, although legally required to do so. Such actions and inactions of the regulator do not conform with regional and international standards requiring transparency, accountability and independence of broadcast media regulators.⁶⁶

RECOMMENDATION: *Safeguard freedom of expression and transparency by ensuring the independence of National Broadcasting Commission in law and practice. This could be achieved by pre-selecting the NBC management through an open, inclusive, and competitive system, with a cross-party approval mechanism and/or participation of industry professionals, as well as by establishing clear institutional transparency and accountability requirements.*

Alongside the regulator, governors and various state-level agencies have powers to direct and affect the media's work. Several EU EOM interlocutors noted that governors were frequently using various housing, sanitary or environmental rules to exert pressure on media owners, while in October 2022 the governor of Zamfara attempted to shut down four broadcasters citing security concerns. Further, in early 2023, Katsina State Government imposed additional taxes on media services, hence interfering with the audio-visual advertising market. The EU EOM observers reported about journalists abstaining from critical reporting, fearing retribution from the governor in at least 20 states. Overall, self-censorship at state-level noticeably reduced the diversity of information available to voters and enabled the governor to keep a sway on the information environment in the respective state.

The legal and regulatory framework for the Nigerian Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN) does not ensure broadcasters' editorial independence and financial autonomy. The president appoints the director general of the NTA, while the Minister of Information, upon an approval of the president, designates that of the FRCN. Pre-selection of candidates for both positions is not prescribed and has never been public. Both can be dismissed on vague grounds. Legal provisions authorising the minister to give orders to both broadcasters, while also requiring the NTA and FRCN "*highlight the activities of the government*", has made both broadcasters prone to political interference with editorial policies. Notably, during the campaign the Minister of Information was the second most quoted politician within NTA's newscasts.⁶⁷ Overall, both broadcasters' legal and operational standing not only conflicts with regional and international standards for publicly financed media, but also erodes public confidence in the objectivity of NTA's and FRCN's editorial outputs.⁶⁸

RECOMMENDATION: *Protect freedom of expression and pluralism by transforming the federal government-owned media, the NTA and FRCN, into genuine public service broadcasters. This includes provisions for editorial independence, financial autonomy, clear separation from any government institution and an open and competitive pre-selection process of the management, with a cross-party approval mechanism and/or participation of industry professionals.*

⁶⁶ DPFEA, principle 17: "1. A public regulatory authority that exercises powers in the areas of broadcast [...] shall be independent and adequately protected against interference of a political [...] nature. 2. The appointment process [...] shall be independent and adequately protected against interference. The process shall be open, transparent and involve the participation of relevant stakeholders. 3. Any public regulatory authority [...] shall be accountable to the public."

⁶⁷ For further details see Annex I Media Monitoring results, Chart 3, Chart 4 and Chart 5.

⁶⁸ DPFEA, principle 13: "1. States shall establish public service media governed by a transparently constituted and diverse board adequately protected against undue interference of a political, commercial, or other nature. 3. The editorial independence of public service media shall be guaranteed."

c. Media monitoring findings (see also Annex 1)⁶⁹

Media made considerable efforts to inform voters on key socio-political and electoral issues with a quarter of broadcasters' prime-time programming being devoted to such topics.⁷⁰ On both election days journalists reported from polling units from across the country and during the collation their live broadcasts were the only public source for results data. Furthermore, between the elections, media played a critical role in probing INEC's conduct, while also calling to rectify failures observed during 25 February polls. Overall, the media's coverage of elections contributed to the transparency of process, while also revealing how many electoral contestants disregarded an inclusive, merit-based political debate.

Prior to the federal elections, broadcast media, with a few exceptions, equitably divided news coverage between the APC and PDP, with a meaningful visibility also given to LP and NNPP. The EU EOM monitoring shows that Tinubu, Atiku and Obi were by far the most quoted electoral contestants within the news bulletins. The tone of news was negative for the two lead parties, as up to 70 per cent of political news stories were built on direct quotes of APC and PDP officials who derided each other. Overall, stories about the Naira swap, and APC and PDP inter and intraparty mudslinging dominated the newscasts, with little space left for scrutiny of contestants' policies and analytical reporting, to the detriment of voters.⁷¹

Voters also could not compare lead presidential candidates directly, as Tinubu and Atiku rebuffed public debate offered by the media. Other APC and PDP officials shunned programmatic questions during media interviews, instead making sweeping pronouncements about economic hardships or political conspiracies. Overall, politicians used up to 30 per cent of their interview time to make sharply negative commentary about the opponent or the party's internal opposition, or to spread alarming and divisive conspiracy theories.⁷² While lively, such coverage did not stimulate an issue-based debate and, coupled with confusing and malign content that migrated across all media platforms, reduced voters' informed participation in the elections.

Immediately after 25 February polls, INEC's failures dominated the news headlines. Echoing public disillusionment, the tone of news was primarily negative towards INEC, whose leadership up until the postponement did not respond to media interview requests. Most RECs followed the same approach at the state-level. Media interlocutors in 16 states, all of which experienced serious disruption of voting on 25 February, informed the EU EOM observers that key election officials were not granting interviews, hence effectively disregarding voters' right to access election related information of public interest.

After the postponement, the national media's focus shifted to gubernatorial races in a few pivotal states. Contests for Lagos, Kano and Rivers got significant news coverage, while lead contestants for Kaduna and several southern states were invited to interviews.⁷³ Other races were primarily covered by state-level radio stations, where the incumbent governor or his party

⁶⁹ The eight-member EU EOM Media Monitoring Unit monitored a sample of national and state-level media. The sample included two federal government owned broadcasters, five private TV channels and two private radio stations with a close-to-nationwide reach, seven newspapers and their online versions as well as online communication by 45 state-level radio stations. The monitoring measured time and space allocated to key political actors, assessed the tone and content of media outputs and evaluated the gender balance across media landscape. For further details see Annex I.

⁷⁰ For further details on monitoring sample, timeframe and methodology see Annex I Media Monitoring results, Table 1 and Chart 2, Chart 13 and Chart 14.

⁷¹ For further details see Annex I Media Monitoring results, Chart 2, Chart 3, Chart 4, Chart 14 and Chart 15.

⁷² For further details see Annex I Media Monitoring results, Chart 7.

⁷³ For further details see Annex I Media Monitoring results, Chart 6 and Chart 8.

often benefited from favourable reports. Consequently, gubernatorial debates and townhalls were the most effective way for the audience to compare lead candidates directly. Positively, several debates were in local languages and were fact-checked and published online, helping many voters to make a well-informed choice on election day.

Voters in only 15 out of 28 states with gubernatorial elections benefited from professionally organised media discussions and only three of 11 governors seeking re-election accepted media's offer to debate on issues of local relevance. Other incumbents opted for paid media coverage. The EU EOM media monitoring showed that at least 16 state governments sponsored "documentaries" that were aired on national TV stations, praised the respective governor and his party, and featured openings of new infrastructure and social benefit projects.⁷⁴ Such broadcasts blurred the line between governing and campaigning and gave the incumbent party an undue advantage.

Throughout the monitoring period President Buhari was given a positive news coverage in almost all media outlets, who frequently prized his legacy through newly inaugurated infrastructure projects, but rarely alluded to his endorsement of Tinubu. The out-going president was by far the most quoted politician within the newscasts, while the total share of news about him was 36 per cent on state-run NTA, around 30 per cent on all monitored radio stations and about 12 per cent on private TVs. The message about "Buhari's legacy" was further amplified through clips and "documentaries" sponsored by the federal government and broadcast in all monitored outlets.⁷⁵ Overall, media's coverage of Buhari served as a practical example of how the president's vast executive powers, including the authority to grant radio licences, warranted an effective sway on broadcaster's editorial content.

XIII. SOCIAL MEDIA AND DIGITAL RIGHTS

Social media, an important tool for information exchange, campaigning and mobilisation, has also been used to unfairly attack opponents and spread false information.

a. General overview of the digital environment

Almost half of the Nigerian population has access to the internet, which is mainly utilised through smartphones, owned by about 45 per cent of the population, mostly in urban areas.⁷⁶ Regular users of social media represent about 15 per cent of the population (more than 30 million),⁷⁷ with YouTube and Facebook being the main social media platforms, while messaging app WhatsApp is the most used digital communication tool. During the election period, the use of Twitter increased, while TikTok, which is gaining popularity in Nigeria, contributed to the dissemination of election-related video content. In addition to English, Pidgin English as well as the local languages Yoruba, Igbo and Hausa are commonly used in communication on online platforms; with Hausa in particular being the dominant language in the northern states.

The 2021 blocking of a major social media platform, attempted to inadequately regulate the online environment, as well as incidents of harassment and intimidation of online activists have

⁷⁴ For further details see Annex I Media Monitoring results, Chart 12.

⁷⁵ For further details see Annex I Media Monitoring results, Chart 3, Chart 4 and Chart 12.

⁷⁶ Alliance for Affordable Internet's 2022 [report](#) on Meaningful Connectivity for Rural Communities.

⁷⁷ Digital 2022 [report](#) on Nigeria.

been major challenges to internet freedom in Nigeria in recent years.⁷⁸ The online environment was marred by the spread of false information, with particularly sensational information migrating rapidly across various online platforms as well as in traditional media. However, social media provided an important space for citizens to express their views, share information about the challenges of the process, thereby promoting transparency and stimulating important discussions.

b. Legal framework for social media and digital rights

Under the Cybercrime Act 2015, ‘cyberstalking’ is punishable by up to three years’ imprisonment, a fine or both. The vague wording of the provision leaves room for its misuse against journalists or activists for posting critical information online. Several journalists or activists were detained for alleged “cyberstalking” during the 2023 campaign period, and in the longer term, this provision encourages self-censorship.⁷⁹ It remains in force despite a ruling by the ECOWAS Court of Justice (March 2022), which ordered the Nigerian government to amend Article 24 of the 2015 Nigerian Cybercrime Act as it is inconsistent with Article 9 of the ACHPR and the ICCPR.⁸⁰ Another piece of legislation that has been used in the past to stifle freedom of expression is the Official Secrets Act, passed in 1962, which refers to imprisonment for the disclosure of vaguely defined “classified information” and grants authorities the power to arrest without a warrant for such offences.

RECOMMENDATION: *To align with international and regional standards on freedom of expression, amend overly restrictive legislative provisions limiting this right in the media and online, including the vague definitions of “cyberstalking” in the 2015 Cybercrimes Act and of “classified matters” in the Official Secrets Act.*

Authorities have become increasingly active in recent years in their attempts to control the online space and social media platforms, which have given voice to widespread social movements⁸¹ such as the #EndSARS campaign against police violence.⁸² The government’s efforts also reflected the need to combat the spread of “fake news” as well as global trends calling for greater accountability of major technology platforms.

Legislative attempts have included extending the mandate of the media regulator, the NBC, to online content, or increasing criminal penalties for online speech or criminalising criticism of the government, proposed in 2019 The Protection from Internet Falsehood and Manipulation Bill (the so-called Social Media Act), regulating the social media space. However, these bills have been stalled following a backlash from civil society and international organisations who have raised concerns about the curtailment of freedom of expression. On the other hand, the Digital Rights and Freedom Bill, aiming to protect internet users in Nigeria from violations of

⁷⁸ [Freedom on the Net 2022 Report](#), Freedom House 2022. Freedom House’s 2022 Freedom on the Net report ranks Nigeria as “partly free” (scoring 57 out of 100). It notes that “Internet freedom remains under threat in Nigeria. After Twitter censored a tweet by President Buhari that seemingly threatened violence against Biafran secessionists, the Nigerian government blocked Twitter on most networks for seven months.”

⁷⁹ In December 2022, the founder of the Foundation for Investigative Journalism, FIJ, was arrested for an investigative report exposing corruption in the management of a transit camp building for police officers. Recent cases of March 2023 include the arrest of the publisher of CrossRiverWatch for allegedly publishing an article that was deemed “offensive” to a relative of the governor of Cross River State, the arrest of a well-known social media influencer for cyberstalking in connection with a tweet he posted about electoral violence in Anambra State, and the arrest of a traditional ruler from Imo State for allegedly sharing a post critical of the Imo State governor.

⁸⁰ The case was brought up by Lagos-based civil society organisation [Serap](#).

⁸¹ 2022 digital [report](#) on Nigeria by Reuters Institute and University of Oxford.

⁸² According to [Africa.businessinsider.com](#): *The #EndSARS campaign was a peaceful protest organised by the Nigerian youths to bring an end to police brutality in the country. The Special Anti-Robbery Squad (SARS) has been accused of murder, extortion, and other abusive acts against young Nigerians.*

their fundamental freedoms including on digital platforms, drafted by CSOs, was refused approval by the President in 2019, as it ‘covers too many technical subjects and fails to address any of them extensively.

The latest initiative aimed at regulating the social media space was the Code of Practice,⁸³ adopted by the National Information Technology Development Agency (NITDA) - the government agency coordinating IT development in Nigeria. The Code, adopted in September 2022, sets out a number of requirements for digital platforms to register or quickly remove illegal or harmful content. Even though NITDA modified the final version, removing some restrictive provisions proposed in its original draft (June 2022), the Code has been viewed with caution by the digital sector and civil society, with some describing it as regulation through the "backdoor" given the failure to pass previous legislative proposals in National Assembly related to digital platforms. During the campaign, the Code had not yet been implemented in practice.

RECOMMENDATION: *Promote the independent formation of voters' opinions and reduce manipulative interference through legislative or regulatory measures, developed in an inclusive process involving all key stakeholders including civil society experts, to identify, assess and curtail harmful content while protecting freedom of expression.*

However, the Nigerian authorities have already strengthened the powers of some state agencies in the online space, including in the context of elections. The Advertising Regulatory Council of Nigeria (ARCON) was created in 2022 with a mandate to deal with the licensing and regulation of advertising. Overall, the definition of advertising has been broadened, whereby advertisements should also be in line with the “culture of the Nigerian people”, while at the same time communications (i.e. party campaign messages) must be free from excessive criticism of opponents; this also applies to the digital space. ARCON informed the EU EOM that it had approached some tech companies to request their compliance with the framework and, in view of some unsatisfactory responses, had initiated legal proceedings.⁸⁴

The right to privacy is enshrined in the Constitution and Nigeria has been moving forward in recent years with the establishment of a data protection framework and institutions. Following the adoption of the 2019 Nigeria Data Protection Regulation by NITDA, the government approved the Data Protection Bill 2022, which seeks to establish the Nigerian Data Protection Commission. This is the third Data Protection Bill in the last four years and is currently before the National Assembly for consideration. Given the use of biometric data and technology in the electoral process, there is an urgent need for robust data protection mechanisms.

c. Social media monitoring findings⁸⁵

During the election period, there was a rapid migration of information between various social media platforms, as well as the dominant messaging app WhatsApp, which were actively used by political camps to spread campaign messages. The main political camps used online teams at both federal and state level, with individual candidates also having their own dedicated teams. Social media as a campaign tool was mainly used by all the front-runners (presidential

⁸³ [Code](#) of Practice for Interactive Computer Service Platforms/Internet Intermediaries.

⁸⁴ ARCON has filed suits against Meta in October 2022 for failing to respond to sanctions for violating advertising laws and for the loss of revenue due to the continued display of unapproved ads on Meta's platforms.

⁸⁵ The five-member EU EOM Social Media Monitoring Unit was monitoring the online information environment and the activities of political and other actors in the context of the 2023 elections, including issues related to the manipulation of information. The EU EOM was focusing in particular on messages in the most popular platforms, including Facebook, Twitter, YouTube and Tik ToK, in English as well as in major local languages.

ances) and generally more by candidates in close contests, as well as by candidates running in southern states, with Facebook and Twitter being the most used platforms.

A specific feature of the 2023 campaign was the strong online engagement of Peter Obi's supporters in the campaign. This was reflected in the support he had in the online community, especially among young people, as well as in online debates, especially in the context of the presidential elections.⁸⁶ Obi himself was also very active on social media, Twitter in particular, including by posting about his electoral programme more frequently compared to the other presidential candidates, whose posts focused more on rallies, candidates' personas or excerpts from media interviews.⁸⁷ Overall, also the gubernatorial candidates' communications were more focused on specific programmes and development projects compared to the presidential contest.

The misuse of social media to coordinate targeted messages or attacks on opponents was evident. Among new followers of the four leading presidential candidates on Twitter there was a very high rate of either automated accounts (bots) or anonymous suspicious accounts.⁸⁸ The mission also noted coordinated efforts to influence the campaign, primarily through hashtags, with the involvement of a large number of users.⁸⁹ Harmful content, allegedly produced by political camps as well as various individuals to gain financial or other benefits, regularly targeted actors across the political spectrum, sometimes including INEC or the mainstream media, contributing to an opaque information environment. Some influential members of leading parties also disseminated unverified or even false information targeting opponents.⁹⁰

A large amount of false content related to both the presidential and state-level elections appeared online particularly in relation to and around both polling days. This was partly because of the information vacuum created by the lack of communication from INEC after the 25 February presidential election. In the context of the gubernatorial elections, there were numerous false reports of candidates withdrawing, non-existent endorsements, and the use of audio-visual material taken out of context to discredit candidates, especially in tightly contested states.

Derogatory expressions targeting political camps, often based on ethnic or religious sentiments perceived as a form of hate speech in the Nigerian context, were commonly used in online communications.⁹¹ Hateful discussions and remarks based on the ethnicity of the main candidates resonated in the context of the Lagos gubernatorial election, which was characterised by high engagement on social media. In Kano, a false report against one of the leading gubernatorial candidates related to religious-related issues led his party to debunk it with paid ads on the state-level radio station. Female candidates did not actively campaign on social media, in part reportedly due to fears of gender-based online harassment. However, strong user engagement was noted in the context of the Rivers and Adamawa races, which featured two female leading party candidates; in Adamawa the online space was marred by a large amount of false content.

The Nigerian Fact-checkers Coalition (NFC), 12 separate civil society and media organisations, tackled the large amount of false online content (some 150 election related fact-checked cases between December 2022 and March 2023) and contributed to raising awareness

⁸⁶ For further details see Annex II Social Media Monitoring results, Chart 2 and Chart 3.

⁸⁷ For further details see Annex II Social Media Monitoring results, Charts 4 - 7.

⁸⁸ For further details see Annex II Social Media Monitoring results, Chart 13 and Chart 14.

⁸⁹ For further details see Annex II Social Media Monitoring results, Chart 15.

⁹⁰ For further details see Annex II Social Media Monitoring results, example of false news.

⁹¹ For further details see Annex II Social Media Monitoring results, Table 4 and Chart 12.

of the dangers of disinformation. Coordination between many organisations helped to optimise their capacities and resources. Fact-checking activities were at their height a few weeks prior to the 25 February election day and continued also in the run-up to the 18 March election, with some civil society groups also operating at the state level.

Social media platforms put in place some measures to prevent abuse, including flagging frequently forwarded content (WhatsApp) or giving selected state authorities and some fact-checking organisations access to report content for faster verification (TikTok and Meta). While this access to social media platforms by some fact-checkers generally facilitated faster removal of problematic content, in many cases the reported content remained active long time after it was flagged. The overall level of capacity devoted to verifying malicious content, especially in some local languages, proved inadequate, with Twitter's involvement in information integrity in particular being insufficient. Political advertising was banned on Twitter during the campaign, and although there were some paid ads on YouTube, Google's data on the use of paid advertising is not available for Nigeria. The use of paid advertising by competitors and third parties on Meta's platforms was relatively low and the amount of harmful promoted content was minimal, which may have been partly due to an overall increase in the transparency of advertising policy.⁹²

XIV. PARTICIPATION OF WOMEN

Overall, the 2023 elections further weaken women's political participation contrary to Nigeria's international commitments and constitutional guarantees.

Advocates for enhanced women's political representation approached the 2023 elections with low expectations, after the National Assembly rejected much anticipated laws for women's inclusion in early 2022.⁹³ The figures for elected women are in decline since 2007, leaving Nigeria ranked last among sub-Saharan Africa countries⁹⁴ and at 183⁹⁵ globally. There is a stark absence of affirmative action by the successive governments, including non-implementation of the National Gender Policy target of 35 per cent women to both appointed and elective positions.⁹⁶ While stakeholders point to culture, violence and intimidation, and a lack of money as key barriers to participation, political parties have failed to tackle exclusion and discrimination of women despite legal duties to practice internal democracy and adhere to constitutional and federal principles. Thus, Nigeria's record on women's political participation stands at odds with its international commitments⁹⁷ and constitutional provision on equality.⁹⁸

⁹² For further details see Political and Campaign Finance section above.

⁹³ The proposed reforms, entailing constitutional amendments, aimed to create special seats for women in the National Assembly (37 Senate and 74 HoR) and in the SHoAs (3 seats per state or 108 in total) and to provide for affirmative action for women in political party administration. The draft laws were defeated on 1 March 2022.

⁹⁴ International IDEA - [Women's Political Participation: Africa Barometer \(2021\)](#)

⁹⁵ Congressional Research Service: [Women in National Governments Around the World](#); Fact Sheet, 4 April 2022. Also, as per the 2023 [UN Women in Politics Survey](#), Nigeria ranks 151st for women in government ministries (with 10.7 per cent of such posts).

⁹⁶ In a landmark 6 April 2022 ruling, the FHC determined that the failure of the Executive to implement the 35 per cent affirmative action policy is "illegal, unlawful, null and an arbitrary violation" of the National Gender Policy and a violation of the Constitution and the African Charter of Human and Peoples Rights.

⁹⁷ The Protocol to the ACHPR on the Rights of Women in Africa requires State Parties to take affirmative action to promote women's political participation. CEDAW encourages adoption of temporary special measures.

⁹⁸ Women are mentioned only specifically twice in the Constitution with regard to citizenship rules, otherwise Constitution article 17(2)(a) (a) states "every citizen shall have equality of rights, obligations and opportunities before the law."

Ahead of the 2023 polls, the number of women candidates at all levels of elections was barely 10 per cent.⁹⁹ One woman contested the presidential race among 18 candidates and there was no nominated female running mate. Only 25 of 419 candidates in governorship contests were women, while in the Senate, National Assembly and SHoA races there were just eight, nine and ten per cent women candidates respectively. By 11 April 2023, less than 5 per cent of all women candidates were elected, among them 3 senators,¹⁰⁰ down from 7 in 2019. The number of women in the HoR stands at 14 seats. No governorship post is occupied by a woman.¹⁰¹ Among 988 SHoA seats, only 48 women were declared elected, a modest increase of three over 2019, but leaving 15 SHoA without any woman member.¹⁰²

Most political parties offered women discounted tickets to contest party primaries, but such incentives did not appear to enhance inclusion and those availing of such opportunities often faced criticism from their own party for not contributing to party funds. None of the APC, PDP, LP or NNPP reached more than 10 per cent women candidates overall. In the SHoA elections, parties with more than 500 contestants all came in below 10 per cent, except for Action Alliance and ADP at 20 and 12 per cent respectively. Most smaller parties had 12 to 20 per cent of women candidates; APM had 72 women among its roughly 270 contestants.

INEC rolled out various sensitization and voter education efforts specifically targeting women and aiming to encourage active participation. On the other hand, media exposure of women candidates in National Assembly elections was scant. On TV and radio, it barely exceeded two per cent of the total prime time programming devoted to the electoral contestants.¹⁰³ Prime-time discussion shows did not tackle issues related to the advancement of women's participation in public and political life. Impediments from abuse and intimidation, including online, are widely reported. Ahead of these elections, at least two women candidates, including one for governor, faced unsuccessful efforts by their parties to exclude them. EU EOM observers also noted that women candidates face significant challenges campaigning due to financial constraints and social resistance.

As an electoral body INEC informed the EU EOM that some 60 per cent of its employees were women, but the percentage in key decision-making roles was significantly lower. Among the 12 National Commissioners and 37 RECs, only two and three, respectively, are women. No data was published regarding the gender breakdown of appointed ad hoc staff. Among registered voters, internally displaced women often lacked PVCs, disproportionately impacting their right to vote according to civil society. EU EOM observers also noted that economically-deprived women voters were vulnerable to targeting by contestants using inducements to obtain their votes, thereby skewing the free expression of the will of the voters.

PRIORITY RECOMMENDATION: *Undertake urgent and robust affirmative action to ensure meaningful women's representation through special measures in line with the*

⁹⁹ Of some 15,000 candidates, approximately 1,550 of the 15,200 candidates were female. While overall candidacies were significantly less than 2019 (due mainly to the decrease in competing parties), the percentage of women contesting was down significantly more than men by some 15 percentage points. There were also 10 per cent young women candidates and smaller parties had the highest number of such contestants, such as ADC (62), AA (58), and APM (54), while the larger APC and PDP has the lowest numbers at nine and five respectively.

¹⁰⁰ Ipalibo Harry Banigo (Rivers West), Ireti Heebah Kingibe (FCT) and Oluranti Idiat Adebule (Lagos West).

¹⁰¹ A closely run contest in Adawama state seemed to offer a reasonable chance for Nigeria to have its first woman governor. However, the contest initially declared inconclusive was re-run on 15 April and returned the incumbent.

¹⁰² Nine of 15 states are in the northern Nigeria; Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara. One, Osun, is in the South-West and three states, Abia, Rivers and Imo, in the South/ South-East.

¹⁰³ The LP gubernatorial candidate in Rivers was the most visible female candidate, granted a similar amount of airtime as her male peer from the SDP, but half of that given to the out-going governor from PDP. See Annex 1 Media Monitoring results, Chart 4, Chart 8 and Chart 9.

Beijing principles and the National Gender Policy to increase the representation of women as candidates and in elected office, further supported by cross-sectoral, intensified, and sustained capacity building and sensitisation to eliminate discrimination.

XV. PARTICIPATION OF MARGINALISED GROUPS

Modest legal advancements for 2023 elections are overshadowed by poor implementation and a lack of genuine support for marginalised by political parties.

Nigeria has made modest steps towards an electoral legal framework to enhance participation of marginalised citizens, but detailed operational frameworks are still lacking, notably in political parties, and this is impeding impactful decision-making informed by voices of the marginalised. Addressing previous legal gaps, the 2022 Act includes provisions mandating INEC to take “reasonable steps” to ensure persons facing barriers are afforded greater opportunity to participate. These include PWDs and special needs, also the visually impaired, and the vulnerable, a category which includes elderly, internally displaced, persons in detention, the sick, and ethnic and minority groups. Thus far, there is no framework for voting in hospital or care facilities. In recent years, courts have vindicated the right to vote of detainees, but this also awaits implementation. Furthermore, detailed state, institutional, and political party actions on key processes, as well as clear and informative communications require further development.

a. Participation of persons with disabilities

Prior to the elections, various civil society stakeholders expressed optimism for greater voter inclusion. INEC announced steps to enhance voting opportunities including deployment of braille ballots and other assistive measures including large print posters and magnifying glasses for the visually impaired,¹⁰⁴ and took positive steps to improve outreach and voter education for PWDs. A 2018 anti-discrimination law included a right of access to all public buildings with a transitional implementation phase expiring just ahead of the 2023 polls.¹⁰⁵

INEC’s plans on how to facilitate voting for PWDs were discussed during some morning shows on TV. The federal government owned NTA, translated their evening news in sign language. Sign language was also used in live broadcasts from results collation centres and during INEC’s press conferences.

Voter registration data released by INEC pointed to barely 55,000 voters officially registered with disability nationwide. This raised concerns that special measures would be informed by that statistic rather than the broader context, which suggests some 15 per cent of the population live with disability.¹⁰⁶ Additionally, few candidates were recorded as PWDs, and only seven candidates were young persons living with disabilities. Political parties’ candidacy statistics and manifestos showed a lack of will for concrete affirmative action.

Following the 25 February polls, EU EOM noted a high level of dissatisfaction with INEC among disability rights organisations, due mainly to absence or inadequate supply of assistive materials. CSOs also decried braille ballots only being available for the presidential poll, thus denying visually impaired equal treatment and opportunities to vote for other candidates

¹⁰⁴ The 2022 Act foresees a wide range of actions including the provision of suitable means of communication, such as braille, large, embossed print, electronic devices, sign language interpretation, or off site voting.

¹⁰⁵ The Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, also prohibits discrimination on the basis of disability and imposes fines and prison sentences for breaches.

¹⁰⁶ Based on WHO, [World Report on Disability 2011](#) estimates.

contrary to Nigeria's international commitments. Ahead of the 18 March polls, EU EOM observers also noted limited remedial efforts to promote PWD participation.

RECOMMENDATION: *Ensure genuine opportunity to vote for persons with disabilities and the vulnerable through a conducive voting environment, enabling independent access and respect for the secrecy of the vote, as well as sufficient assistive devices during all categories of elections.*

b. Participation of young persons

In a positive achievement ahead of the 2023 elections, INEC highlighted the high rate of new registrants under 34 years among the 9.3 million newly registered voters,¹⁰⁷ while almost 40 per cent of the total 93.5 million registered voters were even younger. The pre-election context was filled with high expectations for youth participation, following increased youth mobilisation after the 2020 #EndSARS protests against police brutality and exasperation with economic and security crises. Constitutional changes in 2018 also lowered of age limits for candidates.¹⁰⁸ The subsequent 2019 elections showed a small improvement in outcomes for young contestants,¹⁰⁹ while the 2023 polls were only the second where candidates as young as 25 years could contest.

In 2023 however, the overall numbers of contesting youth were down from 2019, partially due to the significantly fewer competing political parties. Positively however, some 4,400 of all candidates were under 35 years and almost half of them between 25 and 30 years, showing a clear appetite among young people to take an active part in decision-making. Most young candidates ran for SHoA seats, some 35 per cent of the total, while they also accounted for just over 20 per cent of HoR contestants. Eligible young candidates were significantly less present in the highly monetised governorship and senate races, at roughly six and three per cent respectively. The larger parties' excessive fees for nomination forms also seemed to disincentivise youth candidates, as both PDP and APC showed only three per cent of their contestants were youth. Smaller parties demonstrated greater inclusivity, notably ADC with 15 per cent of contestants in the youth bracket.

Positively, various institutions worked to encourage the youth vote. For example, universities closed to enable young voters travel to vote and extended their closures to cover the postponed elections, while INEC and civil society actively engage in targeted voter education efforts, thereby to some extent reflecting Nigeria's regional commitments to the promotion of youth participation.¹¹⁰ However, factional interests within political parties also were seen to cynically exploit underprivileged or economically vulnerable youth, paying "thugs" to do their bidding and cause targeted disruption during campaigns and on election days. This underlines the need for enhanced work with political parties and to protect genuine youth participation.

¹⁰⁷ See above, Voter Registration.

¹⁰⁸ A popular 2017 'Not too young to run movement' successfully advocated reducing the age threshold for candidates to all elective offices by years, with the lowest age limit reduced from 30 years to 25 years.

¹⁰⁹ From some 6,000 young candidates who contested in 2019, 90 elected representatives in SHoAs were under 35 years, while 22 of them were between 25 and 30 years old when elected. In the HoR there were 13 members (3.5 per cent) elected in the age range 30 to 35 years.

¹¹⁰ ACDEG, article 31 1. "State Parties shall promote participation of social groups with special needs, including the Youth and people with disabilities, in the governance process."

c. Participation of internally displaced persons (IDPs)

EU EOM observers noted a keen desire among IDPs to participate in political life, also stressed by various CSOs.¹¹¹ However, during the 2023 elections, there was lack of key centralised publicly accessible data and information for evaluating the participation of IDPs. This included a lack of detail on voter education efforts, on voter registration, polling unit locations and on PVC collection. Such operational shortcomings, also noted by EU EOM observers, undermine compliance with regional commitments and constitutional guarantees of citizen equality. There is also a lack of reliable data on overall IDPs numbers, though estimates vary from one to three million, with many dispersed in the general population.

Under the 2022 Act, INEC must take reasonable steps to ensure IDPs are assisted ‘at the polling place’ including through suitable means of communication or ‘off site voting in appropriate cases.’ This leaves undue scope to determine what constitutes ‘reasonable’ steps. INEC also has a legal duty to ensure as far as possible that persons displaced in ‘an emergency affecting an election’ are not disenfranchised, but this does not necessarily encompass all IDPs, with many displaced in circumstances other than affecting an election.

In 2022, INEC issued a revised *Draft Framework and Regulations for Voting by IDPs*. This promising document pointed to various operational proposals and inter-agency collaborations to identify and classify of IDPs by location, for surveys by RECs in affected states, special arrangements for PVC cardholders, the gathering of IDP voting data, and undertaking readiness assurance tests. However, that draft emerged toward the close of the voter registration period and does not appear to have been formalised. The only framework and regulations published on the INEC website at the time of the elections were issued in 2018.

EU EOM observers noted evidence of weak strategic engagement on IDP related actions from INEC to state level, varied degrees of preparedness and planning, and inconsistent procedures for polling units, voter awareness, and IDP voting from various states, including Benue, Niger and Borno. A lack of planning was evidenced in reports of non-distribution of PVCs to large numbers of IDPs, notably in Benue state. The 2023 cash crisis and lack of access to transportation also impacted participation, while election day incidents of violence and intimidation hampered voting at IDP polling units in Edo, Benin City. Additionally, EU EOM observers noted little information on how IDP communities and camps were to be shielded from undue influence, as recorded by previous EU EOMs, such as vote buying or other in-kind inducements. Such shortcomings underpin the need for a timely comprehensive, well-defined, operational framework to enhance genuine IDP participation.¹¹²

RECOMMENDATION: *Enhance the right to vote of internally displaced voters by issuing a clear timely operational framework evidenced by detailed information on key voter data, specified temporary special measures, polling unit locations, security arrangements, targeted voter education planning and the early publication of post-election evaluations.*

¹¹¹ Reported by EU EOM observers in Sokoto, also by EU EOM observers in Borno, the latter in discussion with the CSO body - Protection Sector North East Nigeria.

¹¹² AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the “Kampala Convention”), article 9(2): “States Parties shall take necessary measures to ensure that internally displaced persons... can enjoy their civic and political rights, particularly public participation, the right to vote and to be elected to public office.”

XVI. CITIZEN AND INTERNATIONAL OBSERVERS

A high number of civil society organisations observed the elections and contributed to awareness, but they also encountered obstructions.

Nigeria has a strong civil society, which has played a constructive role in the country's democracy. CSOs observed and scrutinised different aspects of the election, issued several pre-election reports, at times probing INEC's operational preparedness and offering voters a non-partisan assessment of election preparations. Civil society played a crucial role in providing civic and voter education.

During the presidential and National Assembly elections, INEC reported that over 144,800 citizen observers were accredited to observe the election day proceedings. CODE deployed some 7,000 accredited observers, Yiaga some 4,000, and the Situation Room and the CDD approximately 5,000. Yiaga conducted a Parallel Vote Tabulation (PVT) for the presidential election. The CLEEN Foundation monitored the role of the security services in elections. Kimpact conducted a specific post-election observation of election petition tribunals. Election day observation was also conducted by various religious entities. Their statements highlighted INEC's failures, while their leadership actively participated in online and offline discussions, calling for greater transparency and accountability of INEC ahead of the state elections.

Following the presidential polls, at least two prominent civil society organisations released statements raising concerns in relation to the transparency, credibility and integrity of the elections. The Situation Room of Nigerian Civil Society stated: *"The process cannot be considered to have been credible. [...] there can be no confidence in the results of these elections."* Yiaga gave a press conference in which it shared details of the PVT exercise noting disparities between its findings and the official results in two states (Imo and Rivers). It further stated that *"Factors like serious logistical and technological shortcomings, non-compliance with electoral guidelines, lack of transparency, and manipulation of electoral results, undermine public confidence in INEC and the overall outcome of the elections."*

After the gubernatorial and State Assembly polls, CSOs raised concerns regarding the conduct of polling and collation, but on this occasion pointed to the impact of thuggery, violence and intimidation. For these elections, Yiaga deployed around 1,500 observers and conducted a PVT in Benue, Kano and Delta. The Situation Room and the Centre for Democracy and Development (CDD) deployed some 2,000 observers in selected states. Connected Development (CODE) deployed some 7,000 accredited observers. Several organisations, included the Situation Room and Yiaga, requested a comprehensive audit of the 2023 general elections.

International observer groups included ECOWAS, the African Union, the Commonwealth, and NDI/IRI. The EU and ECOWAS were the only international observation missions on the ground for the 18 March elections.

INEC provided a timely process for observer online accreditation, however most domestic observer organisations received accreditation cards for their observers on the eve of the presidential elections and then in insufficient numbers. Similarly, political parties also faced problems in obtaining sufficient numbers of accreditation cards in time before the 25 February elections. Some observers reported that they were subject to obstruction, harassment and threats by party agents. Mistreatment and obstruction of observers compromises transparency and therefore the integrity of the electoral process. The law does not robustly articulate rights and protections for citizen observers.

RECOMMENDATION: *Ensure the public accountability of electoral authorities by guaranteeing in law the right of access of observers and media to all stages of elections and key electoral information, underpinned by timely and transparent accreditation processes and with targeted sanctions for obstruction, intimidation or violence.*

XVII. ELECTORAL DISPUTE RESOLUTION

Excessive levels of pre-election litigation exposed a resounding lack of trust within and between parties and candidates, harmed the judiciary, INEC, and voters' interests and undermined trust in the democratic process.

a. Pre-election disputes

The Federal High Courts (FHC), with jurisdiction over pre-elections disputes, were the first port of call for well above 1,200 legal cases initiated by parties, aspirants and candidates challenging various aspects of rivals' entitlements to contest the 2023 elections.¹¹³ The number of cases remained on a par with previous general election despite the 2022 Act redefining the courts to which pre-election disputes are taken and those who could initiate legal actions. In fact, with far fewer parties and candidates contesting, recourse to the courts proportionally increased ahead of the 2023 polls.

The elevated level of litigation demonstrated a resounding lack of trust both within and between parties and their ticketholders, most emanating from the alleged misconduct of party primaries in mid-2022. It further placed significant burdens on bona fide participants compelled to defend their positions. In several cases, those making claims in the courts demonstrated either a lack of legal knowledge or a determination to engage in obstructive litigation, frustrating opponents and creating general uncertainty.¹¹⁴ Consequently, for various candidates, the possibility to conduct or continue meaningful campaigning was, at best, interrupted.

A common tendency to appeal decisions at first instance courts and then to appeal again decisions of appeal courts further exposed a lack of trust in judicial determinations or indicated efforts at litigating until the desired outcome, thus contributing to a general public distrust in the genuine motives of litigants, the capacity or even independence of the judiciary, and in the democratic process. In some instances, concerns appeared justified, as certain court decisions seemed to go against widely publicly accepted facts or relied on highly technical rationales to justify questionable outcomes. For example, interlocutors pointed to a 27 January election tribunal decision based on a technicality to upturn the 2022 off-cycle Osun governorship election result, although citizen observers had generally positively assessed those polls. Several court decisions also ordered re-runs of primaries, beyond prescribed legal deadlines.

The Supreme Court came in for scrutiny on 6 February after it overturned two lower court judgments on technical grounds, leading to replacement of a registered senatorial candidate, with another high profile candidate, Senate President Ahmad Lawan. Stakeholders decried the decision declaring Lawan, who failed in a presidential race bid, never participated in legitimate primaries for the Senate race. The Supreme Court countered, denouncing a lack of legal

¹¹³ The exact number of cases was impossible to ascertain with different figures coming from the courts, INEC and civil society. Data gathered by the EU EOM by 23 February showed almost 1,250 cases had come through the FHCs, at least 600 in the Court of Appeal and a further at least 150 in the Supreme Court. Some CSOs reported up to some 1,800 cases.

¹¹⁴ In several cases, lawyers were slapped with fines for misguiding clients or abuses of process, yet there was no indication of lawyers or indeed judges being suspended or disbarred.

awareness and berating the conduct of political parties and lawyers. Such matters, nonetheless, contributed to further negative perception of both the judiciary and political litigants among many EU EOM interlocutors.

A significant impact of the pre-election disputes was the enormous drain they placed on institutional resources. INEC, a notice party in most cases, opined at one point that it was “*the most litigated against institution in the country.*” The courts system, also struggling with insufficient judges and resources, had to park all non-electoral work in efforts to meet shrinking timelines; a battle it was not adequately equipped to win, thus many cases were eventually decided only shortly before or after election days, with appeals still possible.¹¹⁵ The combination of numerous courts cases, lacking resources and restrictive timelines, compounded negative perceptions of the judiciary. These factors, unless addressed, entail risks of exposure to political pressures, rushed rulings, or cases not being concluded expeditiously, thus contributing to uncertainty for candidates and voters alike.

Furthermore, despite some efforts by the Court of Appeal, there is no clear single repository of judicial decisions on electoral matters published in a timely and easily accessible manner. Even when compelled to make adjustment to its candidate register, INEC updated lists merely cited ‘court order’, missing an opportunity to enhance transparency and stakeholder understanding.

RECOMMENDATION: *Enhance certainty for voters and candidates through completion of pre-election disputes well in advance of election days by adapting legal timelines, providing additional resources for adjudication, as well as consistently and concisely detailing and publishing decisions in a timely manner including online.*

In cases relating to voter’s rights and interests, the courts made several positive interventions ahead of and during the 2023 election. For example, an FHC in Lagos directed INEC to ensure real time results uploading in the state elections and a similar order was made elsewhere with respect to elections in Akwa Ibom. In a case directed at INEC, the FHC ruled that two applicants were entitled to vote without a PVC. Civil society is also endeavouring to enhance awareness, through post electoral observation of petitions processes.

b. Electoral offences

The electoral law has a well-articulated body of sanctions for breaches of the electoral law before, during and after elections punishable by fines and or terms of detention. However, there is widespread belief that offenders go largely unpunished. Despite being the key institution charged with prosecutions, INEC has repeatedly invoked gaps in the law as the reason for its inability to pursue electoral offenders. The 2022 Act failed to close legal lacunae, leaving INEC without powers to effectively pursue offenders. Consequently, INEC can only take effective action if other agencies seized with those powers, such as police or the EFCC, issue prosecution files to INEC.

During elections, INEC stated that it was collaborating with other bodies including the police, EFCC and the ICPC to tackle crimes, in particular, vote-buying and abuse of state resources, however there was no public indication of the operational framework for the collaboration, especially to assure the public of genuine accountability of detected offenders. EU EOM observers noted apart from the presence of security forces including police and Department of

¹¹⁵ For example, only on 7 and 8 March respectively, the Supreme Court was able to deliver decisions, finally clearing gubernatorial candidates in Akwa Ibom, Abia and in Taraba. With only a few days to the elections, several pre-election petitions related to SHoA elections were still not resolved.

State Services (DSS), EFCC and ICPC officers were also active during the election period. Both latter agencies also reported making arrests, but were also subjected to attacks on some of their staff.

EU EOM observers noted that prior to and particularly in the post 25 February period, police around the country had arrested, detained and charged various offenders. However, there was limited evidence of expeditious prosecutions. A 27 March police press release noted that the IGP “...assured of effective collaboration with the Independent National Electoral Commission (INEC) to expeditiously and transparently prosecute the 781 electoral offenders apprehended from a total of 489 major electoral infractions across the nation, as all Commands were tasked with submitting casefiles centrally [...] for coordinated processing to INEC Legal Section.” At the time of writing there is a lack of information on how successfully those who were apprehended have been prosecuted and sanctioned. EU EOM observers noted generally varied institutional practices in particular in engagement between INEC and police authorities, which appeared to lack a solid framework for consistent inter-institutional communication and transparent timely reporting.¹¹⁶

INEC and other stakeholders have advocated for a dedicated Electoral Offences Commission to address shortcomings in law and practice; however, a draft law has been lingering in the National Assembly for several years. The EFCC indicated to the EU EOM that, given its capacity in addressing financial crimes,¹¹⁷ it is well placed to fill the vacuum. EU EOM interlocutors are divided on the idea of a new commission however, some fearing that it could be politicised. Others consider that INEC could bolster its independence by being empowered to address impunity for electoral offences. In the absence of a clear legal mechanism, well-structured collaboration and effective resource optimisation between existing institutions will remain important to addressing impunity, with transparent, robust and well-regulated strategies.

PRIORITY RECOMMENDATION: *Address impunity for electoral offences through robust, well-defined, and effective inter-agency co-ordination governed by clear rules on non-partisanship, optimisation of resources, delivery of effective investigation and sanctioning, and provision of regular public consolidated information on outcomes.*

XVIII. 25 FEBRUARY ELECTION DAY AND RESULTS

Elections held on schedule, but lack of transparency and operational failures reduced trust in the process and challenged the right to vote.

a. Opening and voting

There was late opening in almost all polling units observed, mainly due to delayed arrival of sensitive materials and polling staff. Observers reported that polling units opened late in 44 out of the 50 observed polling units and poll workers were missing in 18 of polling units observed. Most opened within two hours of the designated time. However, in several locations, particularly in the South-South and South-East, voting started as late as five hours after the scheduled opening or not at all, which suppressed voter participation. EU EOM observers assessed that opening procedures were completely or mostly followed in 32 out of 50 observed

¹¹⁶ EU EOM observers noted miscommunication between INEC and Police in Kano over the detention of 62 alleged offenders after the 25 February elections. Observers in FCT and Delta also noted uncertainty of co-ordination.

¹¹⁷ The EFCC publishes a detailed annual record of prosecutions in various crime categories, a potential reference point for transparency in reporting on successful prosecution of electoral offences.

polling units. The overall conduct of opening was evaluated as ‘bad’ or ‘very bad’ in 21 out of the 50 polling units visited.

Voting went smoothly in most locations observed. Both PDP and APC were well represented, while the LP had up to half as many agents present. Voters who were reassigned to a new polling unit had difficulties in identifying their correct polling unit. In 100 of 240 observed polling units, the layout did not sufficiently protect secrecy of the vote; in 66 of 240 observed cases ballot boxes were not sealed; in more than half the voters did not mark the ballot in secrecy. BVAS was not functioning properly in 25 of 240 polling units observed. Observers reported that facial as opposed to fingerprint recognition was more often used, as was the case with the pre-election day mock polling exercise. EU EOM observers reported that key polling procedures were not always followed. In 32 of 240 observed polling units, the voter register was not always ticked to reflect that a person had voted. Observers reported underage voting in Sokoto and Kano.

Both security agencies and media recorded violent attacks on polling units and harassment of voters in at least 16 states, with Lagos, Kano, Rivers, and Imo reportedly being most affected. Audio-visual materials in media and online indicated a large scale of no voting or disruptions due to security problems and extremely late dispatch of election materials. On 26 February, voting continued in some polling units in at least six states.

b. Closing and counting

EU EOM observers noted that voters queuing after 2:30 pm were allowed to vote. The EU EOM observed that counting was undertaken in full public view. However, observers reported as well that in 11 out of 37 polling units observed unauthorised people were unduly interfering in the work of polling officials. The overall conduct was assessed negatively by observers in 9 of 37 observations. This was due to poor attention to procedures for completion of forms and for packing and sealing of sensitive materials. In 16 of 37 observed polling units, staff had difficulties understanding and completing results forms. The figures in the results forms did not reconcile in 9 out of 37 observations. In 24 out of 37 units, the results were not posted publicly and in 22 of 37 units, the form was not uploaded using BVAS, contrary to procedures.

The EU EOM conducted a study of presidential results forms available on IReV on 9 March using a sample of 385 presidential forms.¹¹⁸ The study showed that 91 per cent of the sampled result forms were available on IReV on 9 March. Of them, 71 per cent were clear and readable, and 53 per cent were seen to be unaltered and intact without any manual modification. Only 31 per cent of the presidential election results uploaded in IReV system were formally and mathematically correct, which evidenced serious deficiencies in the training of polling staff.

c. Collation of results

On elections night, EU EOM observers witnessed chaotic, disorganised, and tense conditions at overcrowded collation centres. In many instances collation officers were not on site as polling staff arrived. Many collations centres at ward level did not open at all, particularly in the South-South and South-East where presiding officers were sent directly to the LGA collation centres. Observers reported that in 31 out of 42 observed collation centers there were discrepancies in the result forms. In the subsequent days, the EU EOM noted improvements in the organisation of the collation. For example, electricity issues reported the night of the

¹¹⁸ The confidence level was of 95 per cent and the margin of error 5 per cent. An error margin of 5 per cent should be considered the maximum possible error.

elections were somewhat resolved and the collation staff was present in the collation centres observed.

A lack of transparency continued throughout the collation process and during the declaration of results on 1 March, with INEC failing to communicate key information of public interest. Without a specific timeline, the law mandates INEC to publish the names of candidates elected and the number of votes obtained. INEC did not publish the manner of calculation of the declared presidential and National Assembly winners, the turnout per state, number of accredited voters, total votes cast, rejected ballots, votes attributed to each party or the list of polling units where elections were cancelled, postponed, or not held. The absence of this information undermined the possibility for independent verification of the outcomes. The live collation of results broadcasted by media outlets constituted the only public source for results data.

RECOMMENDATION: *Ensure immediate and easy access to key information of public interest. This includes result forms from all collation levels, and decisions on i) cancellations of PU results, ii) supplementary elections, iii) declaration of winners, iv) the creation of new polling units and on v) re-allocation of voters. Underpin transparency measures with a clear legal basis and effective sanctioning for non-compliance.*

Following the killing of the LP senatorial candidate in Enugu-East on 22 February, INEC postponed the elections in this district to coincide with the state-level polls. The number of supplementary elections was not centrally announced by INEC until 1 March. INEC declared inconclusive five senatorial districts in Sokoto, Kebbi and Zamfara and 31 House of Representatives (HoR) constituencies in 15 states.¹¹⁹ The supplementary elections were held on 15 April.

XIX. 18 MARCH ELECTION DAY AND RESULTS

Obstruction and organised violence limited the free expression of the will of the voters.

Security agencies and traditional and social media reported thuggery, harassment and intimidation of voters, as well as violent attacks on polling units in 21 states, resulting in some 21 fatalities. At least five incidents were reported of journalists from well-established media houses being attacked or obstructed from their duties. Most incidents were recorded in Lagos and Kano, but also in other parts of southern states and in the central area. In Imo 19 INEC officials were abducted, resulting in postponed elections. In Kogi six INEC officials were abducted. Voting also was postponed to 19 March in 10 polling units in Lagos, while various reports from Lagos indicated a much larger scale of disruption of voting. In at least two other states voting also continued in some LGAs on 19 March.

a. Opening and voting

Among the 27 polling units observed for opening, 19 opened on time whereas five started voting slightly ahead of schedule. Delays in opening were reported mainly in Lagos, Delta and Cross Rivers, primarily due to the late deployment of materials and late arrival of polling staff. In ten polling units, EU EUEOM observers noted that the ballot boxes were not exhibited with seals affixed before polling began. In three cases, opening procedures were not followed entirely or at all.

¹¹⁹ Akwa Ibom (2), Anambra (1), Bayelsa (1), Edo (1), Imo (1), Kano (2), Kebbi (2), Kogi (1), Oyo (2), Rivers (2), Sokoto (11), Taraba (1), Zamfara (2), Jigawa (1) and Ebonyi state (1).

Out of 183 observed polling units, the layout of 56 did not protect the secrecy of the vote and in 77 voters did not always mark the ballot in secrecy. There were attempts to influence voters, mostly by party agents, in almost 40 observed polling units. Party agents were seen by EU EOM observers to unduly interfere in the polling process in 20 observations and in Sokoto, Kano, and Akwa Ibom this led to interruption of voting. Vote buying by or on behalf of APC and PDP was observed within the vicinity of polling units by five EU observer teams, this included the distribution of goods and money.

More than a third of observed polling units were inaccessible for persons with reduced mobility, while almost no polling unit observed had assistive devices for visually impaired voters (172 polling units out of 183 observed). Similarly, the protocols for prioritising vulnerable persons, including pregnant women, were not followed in more than a quarter (43) of observed polling units. The BVAS was not functioning properly only in two of 183 observed polling units. In many locations observed, a dismal level of voter participation meant less pressure on INEC operations throughout the day.

b. Closing and counting

By the official 2:30 pm close of polls, most EU EOM observers reported that no voters were waiting to vote. There was a crowded environment in ten out of 26 observations, and in four cases pressure was placed on polling staff. In 12 of 27 observed cases results forms were not transmitted via BVAS. Reportedly in Lagos and Rivers, closing procedures were impacted by outbreaks of fighting, thuggery, and other security issues. These led to the closing procedures sometimes being completed at ward collation centres. In nine of 27 of observed polling units at closing, the results were not posted publicly as required by regulations. Observers reported that in 13 out of 41 collation centers there were discrepancies in the result forms.

The study conducted by the EU EOM on the governorship result forms available on IREV on 19 and 20 March using a sample of 236 result form,¹²⁰ showed that 80% were unaltered manually and that 67% of the election result forms uploaded in IReV system were formally and mathematically correct, showing an improvement in the completion of forms as compared to the 25 February elections.

c. Collation of results

The overall assessment of the collation centres observed was positive, but EU EOM observers noted that in some cases ward collation procedures were completed at LGA level for security reasons, e.g. in Cross Rivers, Enugu, Rivers, Delta, Lagos and Kano. During collation, an INEC building in Abia was attacked by thugs. In one observed polling unit in Delta, EU EOM observers reported a significant change of the results without justification.

Technical support staff was not always present at the collation centres observed by the EU EOM, for example in Rivers, so verification of original result sheets against the one uploaded to IReV was not regularly conducted.

In eight cases the collation officer did not keep track of polling units cancelled or not held and in five cases the prescribed form was not completed. There were a high number of cancellations of polling units which, according to INEC, was mainly due to voting disruption. INEC declared inconclusive the governorship elections in 20 LGAs of each of Adamawa and Kebbi states. For

¹²⁰ The confidence level was of 95 per cent and the margin of error 5 per cent. An error margin of 5 per cent should be considered the maximum possible error.

the SHoA, supplementary elections were held for 57 constituencies across 17 states.¹²¹ The supplementary elections were organised on 15 April. Similar to the presidential and National Assembly elections, INEC did not publish key relevant information such as the turnout or the list of polling units where elections were cancelled and the reasons for the cancellation.

XX. POST-ELECTION ENVIRONMENT AND RESULTS DISPUTES

Widespread disappointment with management of elections and allegations of irregularities as many parties and candidates headed to tribunals to challenge outcomes and processes.

a. Reactions to the results

Presidential results

On 1 March, INEC declared that Bola Tinubu of the incumbent APC obtained 8,894,726 votes (36.61 per cent), Atiku Abubakar of the PDP came second receiving 6,984,520 votes (29.07 per cent), and Peter Obi of the LP was third with 6,101,533 votes (25.40 per cent). Rabiu Kwankwaso (NNPP) was declared to have obtained 1,496,687 votes (6.23 per cent). Yiaga Africa stated that the presidential results announced in Imo and Rivers states were significantly inconsistent with their PVT.

Prior to this, on 27 February, PDP and LP, walked out of the National Collation Centre in dissatisfaction with the process. At joint press conferences, PDP, LP and APC alleged intentional irregularities affecting opposition strongholds, particularly in the South-East and the South-South, including voter suppression by various means including violence, delays in opening, and manipulation of results. On the same day, the NPC appealed to INEC “*to heed the grievances being expressed, to take the necessary steps to escalate investigations of all allegations of infractions and to ensure that justice is clearly done to all citizens who went out to vote.*”¹²²

In his acceptance speech, hours after the declaration of results, the President-elect Tinubu stressed national unity and commended INEC for the conduct of the elections stating that lapses were “*few in number*” and “*immaterial to the final outcome.*” He established a reconciliation committee to “*start the healing process.*” The outgoing president Buhari congratulated Tinubu via a post on his official Facebook page, while also acknowledging “*technical problems*” in result transmission and the need to “*bring further transparency and credibility to the voting procedure.*” However, the president stressed, that none of the issues “*represent a challenge to the freeness and fairness of the elections.*”

Senate and House of Representatives Results

On 7 March, the INEC published on its Twitter account the lists of the Senate and HoR winners.¹²³ Of the 109 senatorial districts, including the results of the postponed Enugu-East senatorial elections, 102 certificates confirming election were issued by INEC to seven political parties. The results for seven senatorial seats were declared inconclusive, three in Sokoto and one in Kebbi, Plateau, Zamfara and Yobe each. Supplementary elections in these senatorial

¹²¹ Akwa Ibom (1); Bayelsa (1); Ebonyi (5); Edo (3); Ekiti (1); Imo (1); Kaduna (5); Kano (14); Kebbi (8); Niger (4); Ogun (1); Taraba (1); Yobe (1); Jigawa (3); Katsina (3); Enugu (1); and Adamawa (4)

¹²² General Abubakar, Chairman National Peace Committee, in a statement “*A Call for Calm: Please Give Peace and the Process a Chance,*” 27 February 2023

¹²³ By the time of finalising this report, no final list of winners was published by INEC.

districts took place on 15 April. In the next Senate, the APC will have 59 seats, PDP 36, and LP eight. The other four parties represented in the Senate are the Social Democratic Party (SDP) and the NNPP with each having two seats; the Young Progressives Party (YPP) and the All Progressives Grand Alliance (APGA) with one seat each. Only three women won senatorial seats, down from seven in 2019.

On 7 March, INEC published results for 327 of the 360 House of Representatives (HoR) constituencies. The winners of two seats were declared through court orders, while another declaration was withdrawn allegedly made under duress. On 15 April, supplementary elections for 32 HoR seats took place. According to the declared results, in the next HoR, the APC will have 176 members, the PDP is second with 119 seats and the LP third with 35 seats. The NNPP won 19 seats, an improvement from 2019 (one); APGA five, the African Democratic Congress (ADC), SDP and YPP took two seats each. Only 14 women won HoR seats (3.9 per cent). Eight parties are represented in the HoR.

Gubernatorial results

Of the 28 governorship elections held on 18 March, the APC was defending 17 states and PDP 11. The results in two states, Kebbi and Adamawa, were declared inconclusive. The supplementary elections in these states took place on 15 April. In total, the APC won in 16 states, PDP in ten, LP won in one (Abia) and NNPP also one (Kano). Ten of 11 incumbent governors seeking re-election returned to office. Six states changed party colours – Sokoto and Benue went from PDP to APC; Zamfara and Plateau from APC to PDP, Kano from APC to NNPP, and Abia from PDP to LP. The APC managed to maintain 14 of 17 states and win two new states. The PDP maintained eight out of 11 states and gained two new governor seats.

Shortly after the announcement of gubernatorial results, a curfew was imposed in Zamfara and Kano. Both states experienced post-election violence by thugs with some properties, including the APC offices, destroyed and two people killed in Zamfara. Post-election tensions were also noted in the highly contested states of Lagos, Rivers and Nasarawa. In the latter, women rejecting the results and demanding fresh elections organised a week-long protest in front of INEC. Populous celebrations took place only in Abia as LP supporters, after a prolonged collation process, acclaimed the party victory on the streets. Overall, governorship results were highly contested by opposition parties.¹²⁴

b. Post-election environment

National turnout for the presidential elections was 25,296,616 out of 93,469,008 total registered voters (26.72 per cent), far below the stakeholders' expectations expressed prior the elections. The data released by INEC indicated a significantly lower turnout in the southern states of Rivers, Lagos, Imo, and Abia, which experienced high levels of orchestrated violence during the campaigns and on election days. Overall, the widespread anticipation for well-managed elections were dashed by a flawed process leading to widespread public disappointment and concerns about increasing voter disenchantment.

The post-election environment after the presidential results witnessed mounting criticism of and dramatically decreased trust in INEC.¹²⁵ While the Nigeria Civil Society Situation Room called for an audit of the presidential and the national assembly polls, 18 CSOs marched on 7

¹²⁴ The results in several states showed a very small margin. For example, in Kaduna, where the PDP scored 10,806 votes more than APC or in Ogun, where APC won with a margin of 13,915 votes against PDP.

¹²⁵ Calls for the resignation of the INEC Chairman were made by the PDP, LP, APC as well as some civil society organisations such as the Middle Belt Forum. The INEC spokesperson stated the calls are “*unfounded and irresponsible.*”

March to INEC demanding an audit of INEC's budget for the elections.¹²⁶ The protest group Free Nigeria Movement organised day-to-day demonstrations in Abuja, calling for the annulment of the presidential results, the resignation of INEC's Chairman and the instalment of an interim government to conduct fresh elections, among others. This prompted counter-protests organised by the APC.

Positively, despite concerns, the general post-election environment remained largely peaceful with the PDP and LP presidential candidates appealing to supporters for calm. Political tensions continued mostly related to the accusations of a plot by "*certain circles*" to install an interim government¹²⁷ and statements by the DSS and the IGP on "*threats to national security by some political actors.*" There were also continued calls by APC members for the arrests of Peter Obi and his running mate Ahmed Datti related to an alleged audio recording of a phone conversation between Obi and Bishop David Oyedepo¹²⁸ and a TV interview of Datti, during which he stated that the inauguration of the president-elect would mean "*ending democracy*" in Nigeria, since the constitutional requirement for the declaration of a winner was supposedly not met.

c. Legal challenges to the results

At the time of writing, three key political forces, APC, PDP and LP as well as INEC, are gearing up for a much-anticipated court action. The fiercest legal talents in the country have been recruited to engage over the events on and after the 25 February elections that led up to the 1 March declaration of Bola Tinubu as president-elect. The petitions focus on two core elements, one hinges on the interpretation of a key provision of the Constitution for calculating results and the other aspect alleges multiple irregularities in the process on and before election day. The courts, already challenged by poor public perception, are faced with a daunting task; one with potential significant long term political and societal impacts.

The petitions to the Presidential Election Petition Court (PEPC),¹²⁹ in particular those of the PDP and LP, fed heated exchanges in the media space and fuelled speculation about the integrity of INEC's declaration of the presidential winner. The deadline for petitions to the PEPC passed on 22 March. The APC, INEC, and other respondents had up to 21 days to lodge their replies to the petitions. The PEPC has up to 180 days to decide the disputes. Its decisions can be appealed within 21 days to the Supreme Court, which must make a final determination within 60 days of the PEPC judgment. Thus, the presidential cases can run for up to eight months. With the inauguration on 29 May, many stakeholders have been calling for an expedited court process and for broadcasting of the proceedings. Many stakeholders perceive the process as an opportunity for the courts to prove their independence. Whatever the approach, time is of the essence.

¹²⁶ Among the 18 CSOs were Civil Society Forum of Nigeria, Nigeria Youth Development Forum, Democratic Youth Initiative, Forum for Social Justice, Movement for the Development of Democracy, Safeguard Nigeria Movement, Alliance for Peoples Welfare, Forward Nigeria Movement, Human Right Crusaders, Defenders of Democracy, Democratic Rights Assembly, and Voter's Rights Assembly.

¹²⁷ Similar allegations were uttered already during the presidential campaign, notably by the President-elect and some APC northern governors.

¹²⁸ In the alleged phone conversation, the LP candidate is recorded asking for the support of the Church and comparing the elections with a "*religious war.*" Peter Obi denied authenticity of the tape stating he would seek a legal redress on the case of defamation.

¹²⁹ Just in time, five political parties lodged petitions with the Court of Appeal, which convenes as the Presidential Elections Petitions Court (PEPC) to handle presidential elections disputes. The five petitioners are the PDP with Atiku Abubakar, LP with Peter Obi, Actional Alliance (AA) with Solomon David Okanigbuan, the Action Peoples Party (APP) and the Allied Peoples Movement (APM), who was also the only party to field a woman candidate. These latter two parties do not name their candidates as co-petitioners, however either contesting parties or candidate may launch petitions.

Although there is no public consolidated petition register, both CSOs and INEC noted that already by 21 March there were over 500 petitions were made by contestants, with the deadline for submission of challenges to state level election not expiring until 11 April in most such matters. This augured an administratively and budgetarily costly ‘third act’ of elections for INEC, which allocated some three billion Naira (EUR 5million) to fund the handling of legal disputes in which it is implicated. The petitions also signalled new uncertainties and significant additional costs for declared winners.

Petitions to the Election Tribunals handling Senate and HoR disputes were due also around end March or within 21 days of the results for each of those constituencies.¹³⁰ Governorship and ShoA outcomes started to emerge within 48 hours of the 18 March polls and, thus, the cut-off date for petitions for those races fell on or around the 11 April. Petitions against outcomes in constituencies where supplementary elections were to be held on 15 April have to be submitted within 21 days of results in those places, thus on or around 8 May. All such matters can also take up to 8 months before a final decision is reached. In reality, personnel and budgetary constraints may mean even longer timelines.

¹³⁰ Some 257 judges drawn from the state and federal courts will adjudicate disputes relating to state and federal elections.

XXI. TABLE OF RECOMMENDATIONS

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL PRINCIPLE / COMMITMENT
LEGAL FRAMEWORK						
1	14	Various legal provisions were insufficiently elaborated. Certain sections of the 2022 Act lack clarity, some unduly broad and other left undue scope for subjective decision making. INEC Regulations contain inconsistencies and inaccuracies.	PRIORITY Protect the interests of voters through certainty of law for all stages and aspects of electoral processes by eliminating from electoral law and regulations errors and ambiguities to avoid potential for conflicting interpretations, and ensuring the revision processes are inclusive.	Constitution Electoral Act INEC Regulations	National Assembly State Assemblies President Civil Society Political Parties Independent legal, electoral and media experts	Rule of Law ICCPR, article 25. ICCPR, HRC GC 25, para. 20: “...This implies that voters should be protected [...] from any unlawful or arbitrary interference with the voting process.” UNCAC, article 7(4): “Each State Party shall, [...] adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.”
2	14	Various legal instruments were scattered across various sources including civil society websites or apps, but some were not publicly accessible at all. Certain instruments were issued belatedly or amid uncertainty, thus leaving undue scope for lack of awareness and weak implementation.	Ensure institutional accountability by the timely inclusive consultation on publication and dissemination of all election related laws, regulations and guidelines, and, upon enactment, make consolidated official legislation easily accessible to the public in hard copy and on-line via the INEC website.	No change in law necessary	National Assembly INEC	Transparency and access to information ICCPR, article 19, HRC GC 34, para. 19 “States parties should proactively put in the public domain Government information of public interest.” ACDEG, article 44(b) ” State Parties shall take all necessary measures in accordance with

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL PRINCIPLE / COMMITMENT
						<i>constitutional provisions and procedures to ensure the wider dissemination of the Charter and all relevant legislation as may be necessary for the implementation of its fundamental principles.</i>
ELECTORAL ADMINISTRATION						
3	15	CSO examination of the selection process signalled that the selection process of both INEC commissioners and RECs were neither transparent nor in line with the non-partisan requirement. The selection of some commissioners also raised concerns about their professional skills and background. The selection process leaves the electoral institution vulnerable to being viewed as aligned with the government.	PRIORITY Establish a robust operational framework for the independence, integrity, and efficiency of electoral administration through an inclusive and publicly accountable mechanism for selecting candidates to the posts of INEC commissioners and RECs based on clear criteria of evaluation of merits, qualifications, and verified non-partisanship.	No legal change necessary	National Assembly Civil Society	Independent electoral authority ICCPR GC 25, paragraph 20 <i>“An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.”</i>
4	17	The training of ad-hoc electoral staff was negatively assessed by EU EOM observers as it was delayed and often overcrowded, with insufficient copies of the manuals, a lack of BVAS devices for the trainings and not focused on the most important procedures such as the use of technologies, counting procedures, and	Enhance capacity of electoral staff by revising procedures and subsequent training of the election supervisors, collation officers, and ad hoc polling staff addressing, in particular, the use of technologies, counting procedures, and the	No change in law required	INEC	Genuine elections ICCPR article 25, HRC GC 25, para. 20 <i>“An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance</i>

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL PRINCIPLE / COMMITMENT
		<p>the completion or cancellation of polling unit results and collation forms. Furthermore, the procedures for the counting and collation of results adopted by INEC were too complex, involving multiple steps, which made it difficult to understand for ad hoc staff.</p>	<p>completion of polling unit results and collation forms.</p>			<p><i>with established laws which are compatible with the Covenant.”</i></p> <p>UN, GA Resolution A/RES/68/164 “<i>The GA notes the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels and recommends that Member States provide adequate resources for those elections.</i>”</p>
ELECTION TECHNOLOGY						
5	20	<p>Hardware and software specifications of BVAS, test results, audits, basic procurement details, protocols and guidelines for specific operations and functionality were not made public. Functionality and specifics of the transmission of the results forms were also unclear and not published. Transparency is a key component in adopting election technology and building trust and confidence into the system used.</p>	<p>Ensure transparency and allow for public scrutiny of election technology by mandating in law timely disclosure of test and audit results, together with protocols, guidelines, methodology of implementation, procurement, and functionality details.</p>	<p>Electoral Act</p> <p>INEC Regulations</p>	<p>National Assembly</p> <p>INEC</p>	<p>Transparency and access to information</p> <p>ACDEG, article 3 “<i>Holding of regular, transparent, free and fair elections.</i>”</p> <p>UN CAC article 7.4 “<i>Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency.</i>”</p> <p>UN CAC article 10 “<i>Taking into account the need to combat corruption, each State Party shall ... take such measures as may be necessary to enhance transparency in its public administration.</i>”</p>

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL PRINCIPLE / COMMITMENT
						<p>ICCPR article 19, HCR GC 34, para. 19 “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest.”</p> <p>ICCPR, article 19, HRC GC 34, para. 18 “Article 19, paragraph 2 embraces a right of access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production.”</p>
6	20	Shortcomings in results process management were one of the core issues after the 25 February elections. By the time of the declaration of the presidential results, more than a quarter of the presidential result forms were still missing on the IreV portal without a clear public justification. Many of the uploaded results were unreadable or otherwise inconsistent. The collated results for specific LGAs, States, and Country were not publicly accessible	PRIORITY Protect the free expression of the will of the voter and integrity of elections by establishing a robust, transparent, and easily verifiable results processing system with clear rules. These include uploading polling unit results from the polling unit only and in real time, at each level of collation results forms to be uploaded in real time,	Electoral Act INEC Regulations	INEC	<p>Genuine elections that reflect the free expression of the will of the electors/ Transparency</p> <p>ICCPR, article 19, GC 34, para. 18 – “Article 19, paragraph 2 embraces a right of access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored,</p>

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL PRINCIPLE / COMMITMENT
		long after the announcement of results including information about cancelled polling units, so contributing to the lack of transparency in the process.	and all forms to be published in an easily trackable and scrapable database format.			<p><i>its source and the date of production.”</i></p> <p>ICCPR, article 25 “Every citizen shall have the right and the opportunity, to vote and to be elected at genuine periodic elections ...guaranteeing the free expression of the will of the electors.”</p>
VOTER REGISTRATION						
7	21	Every Nigerian citizen 18 years of age and over may vote, provided they are resident or working in or originating from the locality of registration. As Nigerian citizens must be 18 years of age at the time of registration, any eligible person turning that age after the registration period closed was effectively disenfranchised. The law allows registration up to 90 days before elections, but INEC closed the possibility over 6 months before election day, citing time constraints for preparing the voter register. No temporary mechanism was adopted to avoid disenfranchisements. .	Provide the opportunity to allow citizens attaining 18 years ahead of elections to register during the previous registration period.	No change in law required	INEC	<p>Right and opportunity to vote</p> <p>ICCPR, article 25.</p> <p>ICCPR, HRC GC 25, para. 11: <i>“...Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed [...].”</i></p>

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL PRINCIPLE / COMMITMENT
8	22	There is no reliable information on the accuracy and inclusiveness of the voter registration. There is no system for removal of the deceased and voters who have emigrated and there seems to be a large number of underage voters in the voter register. There are problematic issues identified also by INEC in regard to the quality of biometric data with emphasis on fingerprints as observed during the polls.	Establish a reliable basis for an inclusive and accurate voter register by undertaking a timely external independent audit of it including in person data checking, sample analysis, and biometric data quality assessment. The process to be followed by implementation of a clear protocol and guidelines for maintaining the register and should be publicly accountable.	No change in law required	INEC	<p>Universal Suffrage</p> <p>ICCPR article 25 “elections which shall be by universal and equal suffrage.”</p> <p>ICCPR GC 25, para. 11 “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.”</p>
PARTICIPATION OF POLITICAL PARTIES AND CANDIDATES						
9	24	Parties, particularly the larger PDP, APC and LP charged excessive fees for participation in legally mandated primary elections. Free tickets were offered on some occasion for women to contest, and reduced costs for women but many people including youth remained excluded due to lack of funds.	Remove unreasonable restrictions to the right to stand by curbing the charging of excessive fees for consideration as a candidate in party primary elections.	No change in law required	Political Parties	<p>Right and opportunity to participate in public affairs and hold office</p> <p>ICCPR, HRC GC 25, para. 16, “Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory.”</p>

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						ICCPR, article 25, para. (c) <i>"To have access, on general terms of equality, to public service in his country."</i>
CAMPAIGN ENVIRONMENT						
10	26	The EA22 (section 92(2)) prohibits <i>"the use of state apparatus to the advantage or disadvantage of any political party or candidate."</i> Nevertheless, there was an unequal access to public venues and various forms of outdoor advertising, due to governors restricting campaign opportunities of opponents. EU EOM observers also noted that some governors imposed campaign rules, which were more restrictive than INEC regulations and undertook executive actions imposing pressure on civil servants and stakeholders. Incumbents excessively used state resources for campaign purposes. INEC revised various campaign guidelines, including for parties and candidates, but lacked the institutional capacity for enforcement.	Enforce INEC's campaign regulations by establishing a robust and effective monitoring and sanctioning mechanism to curtail abuse of incumbency, including obstructions and interference by state-level authorities.	No change in law required	INEC State Governments	<p>Prevention of Corruption/ Fairness in the election campaign</p> <p><i>ACHR, arts. 13(2) & (3): [...]</i> Every individual shall have the right of access to public property and services in strict equality of all persons before the law.</p> <p>ECOWAS Protocol on Democracy and Good Governance, A/SP1/12/01 Article 38 (1). Member States undertake to fight corruption and manage their national resources in a transparent manner, ensuring that they are equitably distributed.</p> <p>ICCPR, HRC GC 25, para. 19: <i>"...Persons entitled to vote must be free to vote for any candidate for election... without undue influence or coercion of any kind"</i></p>

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						<i>which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of [...] or manipulative interference of any kind."</i>
POLITICAL AND CAMPAIGN FINANCE						
11	30	Ahead of elections, there were various allegations of illicit cash hoarding and in one case EFCC reportedly seized some 32 million Naira seemingly intended for vote buying in Lagos. Evidence of official spending by political parties in traditional and online media was scant. The use of paid advertising on Meta's platforms was relatively low. Accountability for parties, candidate, and third parties is the absence of a requirements for traceability of funds to source.	Promote transparency and accountability in campaign finances by introducing a mandatory requirement on political parties, candidates and third parties to operate pre-notified dedicated bank accounts for donations, revenues, and spending, subject to clear rules of accounting, reporting, and public disclosure before, during, and after campaigns with robust sanctions for non-compliance.	Electoral Act INEC Regulations	National Assembly INEC	<p>Transparency and Access to Information</p> <p>ICCPR, HRC GC 25, para. 19: <i>"...Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party."</i></p> <p>UNCAC, article 7(3): <i>"Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its</i></p>

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						<i>domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”</i>
MEDIA						
12	31	Law enforcement agencies failed to prosecute persons who attacked, intimidated, harassed, or obstructed journalists prior to, on and after both election days. The EU EOM observers confirmed multiple incidents involving media. Several attacks occurred in plain sight of the police and in some cases the police detained the journalist who documented irregularities, but not the attacker. It clearly evidences the absence of actual practices for protection of media practitioners. Overall, impunity encouraged by police inaction was detrimental to freedom of expression, particularly as independent and trusted outlets were targeted.	PRIORITY Afford adequate protection to freedom of expression by developing a comprehensive operational framework underpinned by the skills and means for ensuring prompt investigation and prosecution of all types of attacks against media practitioners.	No legal change required	National Assembly President NBC Law enforcement agencies Judiciary Professional associations and civil society organisations	Freedom of expression and opinion ICCPR, art. 19: “Everyone shall have the right to freedom of expression [...]” DPFEA, Principle 20: “1. States shall guarantee the safety of journalists and other media practitioners. 4. States shall take effective legal and other measures to investigate, prosecute and punish perpetrators of attacks against journalists and other media practitioners. 5. States shall be liable for the conduct of law enforcement, security, intelligence, military and other personnel which threatens, undermines or violates the safety of journalists and other media practitioners.”

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL PRINCIPLE / COMMITMENT
					Media outlets	UN, OSCE, OAS, ACHPR Joint statement on the Media and Elections, 15 May 2009 “States should put in place a range of measures ... to create an environment in which a pluralistic media sector can flourish.”
13	32	The National Broadcasting Commission (NBC), the regulatory body for broadcast media, lacks independence and transparency and does not enjoy stakeholders’ trust. Its leadership is appointed by the president and can be dismissed on vague grounds. The NBC Act does not prescribe any pre-selection mechanism of prospective candidates, whose merits have never been debated in public. Throughout the campaign, NBC’s decisions, including sanctions, did not follow due process and were not public, contrary to principles of transparency and accountability.	Safeguard freedom of expression and transparency by ensuring the independence of National Broadcasting Commission in law and practice. This could be achieved by pre-selecting the NBC management through an open, inclusive, and competitive system, with a cross-party approval mechanism and/or participation of industry professionals, as well as by establishing clear institutional transparency and accountability requirements.	NBC Act Nigeria Broadcasting Code	National Assembly President MoICT NBC Commercial broadcasters	Freedom of opinion and expression/ Transparency and right to access to information/ Right to effective remedy DPFEA, Principle 17. ”1. A public regulatory authority that exercises powers in the areas of broadcast [...] shall be independent and adequately protected against interference of a political, commercial or other nature. 2. The appointment process for members of a public regulatory body [...] shall be independent and adequately protected against interference. The processes shall be open, transparent and involve the participation of relevant stakeholders. 3. Any public regulatory authority [...] shall be

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						<p><i>accountable to the public.”</i></p> <p>ICCPR, Article 19, HRC GC 34, para. 39 stipulates a regulatory framework that respects freedom of expression, “<i>a necessary condition for ... transparency and accountability.</i>” Para. 19 “<i>States parties should proactively put in the public domain Government information of public interest.</i>”</p>
14	33	<p>Legal and regulatory framework for the Nigerian Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN) does not ensure broadcasters’ editorial independence and financial autonomy. The president appoints the director general of the NTA, while the Minister of Information, upon an approval of the president, designates that of the FRCN. Pre-selection of candidates for both positions is not prescribed and never has been public. Both can be dismissed on vague grounds. The minister is legally empowered to direct both broadcasters; both are also legally obliged to “<i>highlight the activities of the government.</i>”</p>	<p>Protect freedom of expression and pluralism by transforming the federal government-owned media, the NTA and FRCN, into genuine public service broadcasters. This includes provisions for editorial independence, financial autonomy, clear separation from any government institution and an open and competitive pre-selection process of the management, with a cross-party approval mechanism and/or participation of industry professionals.</p>	<p>FRCN Act</p> <p>NTA Act</p>	<p>National Assembly</p> <p>President</p> <p>Ministry of Information, Culture and Tourism (MoICT)</p> <p>FRCN and NTA</p>	<p>Freedom of opinion and expression/</p> <p>Right to access to information</p> <p>The Declaration of Principles on Freedom of Expression in Africa (DPFEA), principle 13: “<i>States shall establish public service media governed by a transparently constituted and diverse board adequately protected against undue interference of a political, commercial or other nature. 2. The senior management of public service media shall be appointed by and accountable to the board. 3. The editorial independence of public service media shall be</i></p>

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						<p><i>guaranteed. 4. Public service media shall be adequately funded in a manner that protects them from undue interference.”</i></p> <p>ICCPR, Article 19, HRC GC 34, para. 16 <i>“States parties should ensure that public broadcasting services operate in an independent manner, ... guarantee their independence and editorial freedom, ... provide funding in a manner that does not undermine their independence.”</i></p>
SOCIAL MEDIA AND DIGITAL RIGHTS						
15	36	<p>The vague wording of the 2015 cybercrime law “cyberstalking” - leaves room for its misuse against journalists or activists for posting critical information online. Several journalists or activists were detained for alleged “cyberstalking” during the 2023 campaign period, and in the long run, this provision encourages self-censorship. Another piece of legislation that has been used in the past to suppress freedom of expression is the Official Secrets Act, passed in 1962, which refers to imprisonment for the disclosure of vaguely defined</p>	<p>To align with international and regional standards on freedom of expression, amend overly restrictive legislative provisions limiting this right in the media and online, including the vague definitions of “cyberstalking” in the 2015 Cybercrimes Act and of “classified matters” in the Official Secrets Act.</p>	<p>Cybercrimes Act 2015</p> <p>Official Secrets Act</p>	<p>National Assembly</p> <p>President</p>	<p>Freedom of Expression</p> <p>Human and Peoples' Rights, 32nd Session, Expression in Africa, African Commission on Declaration of Principles on Freedom of Freedom of expression – 17 - 23 October 2002, article 13 1. <i>“States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society. 2. Freedom of expression should not be restricted on public order or national security grounds unless</i></p>

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		"classified information."				<p><i>there is a real risk of harm to a legitimate interest and there is a close causal link between the risk of harm and the expression."</i></p> <p>ICCPR article 19, HRC GC 34, para. 35 <i>"When a state party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat."</i></p>
16	37	During the election period, a large amount of false content appeared on the Internet. The steps taken by the state authorities in recent years to regulate social media and, in this context, to combat disinformation, have caused concern and opposition. The legislation proposed by the Government, which contained provisions that threatened freedom of expression, has been rejected. On the other hand, legislation proposed by civil society to address disinformation was rejected by the President as too general. Inclusive	Promote the independent formation of voters' opinions and reduce manipulative interference through legislative or regulatory measures, developed in an inclusive process involving all key stakeholders including civil society experts, to identify, assess and curtail harmful content while protecting freedom of expression.	No legal changes required	National Assembly President CSOs Professional associations	<p>Disinformation</p> <p>ICCPR GC 25 The right to participate in public affairs, voting rights and the right of equal access to public service <i>"Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."</i></p> <p>UN, OSCE, OAS, ACHPR; Joint declaration on freedom of</p>

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		collaboration among a wide range of stakeholders could facilitate a generally acceptable solution, legislative or otherwise, and help address the problem through cross-sectoral cooperation.			Media outlets Social media platforms	expression and “fake news”, disinformation and propaganda, 3 March 2017, 6a; <i>“All stakeholders – including intermediaries, media outlets, civil society and academia – should be supported in developing participatory and transparent initiatives for creating a better understanding of the impact of disinformation and propaganda on democracy, freedom of expression, journalism and civic space, as well as appropriate responses to these phenomena.”</i>
PARTICIPATION OF WOMEN						
17	41	Nigeria has been experienced a steady overall decline in participation of women in political life. A lack of legal supports, affirmative actions by key stakeholders including parties and failures to tackle violence and intimidation are evident. The 2023 elections again failed to see any women returned as a governor an marginal increases in numbers in State houses and the national assembly were overshadowed by a significant decrease of women senators, while 15	PRIORITY Undertake urgent and robust affirmative action to ensure meaningful women’s representation in line with the Beijing principles and the National Gender Policy to increase the representation of women as candidates and in elected office, further supported by cross-sectoral, intensified, and sustained capacity building	Enact Law on Affirmative action INEC Regulations	National Assembly INEC Political Parties Civil Society	Women’s participation in public affairs ICCPR, article 3: “[...] Equal right of men and women to the enjoyment of all civil and political rights [...]” CEDAW, article 4(1): “Adoption by State Parties of temporary special measures [...]” CEDAW, article 7: “State parties...ensure to women...the

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		SHoA have no women elected at all.	and sensitisation to eliminate discrimination.		Religious Leaders	<p>right... (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy...”</p> <p>CEDAW Committee, GR 23 para. 22: “[...] Political parties must embrace the principles of equal opportunity and democracy and endeavour to balance the number of male and female candidates.”</p> <p>CEDAW Committee, GR 23, para. 28: “[...] political parties also have a responsibility to ensure that women are included in party lists and nominated for election...”</p>
PARTICIPATION OF MARGINALISED GROUPS						
18	42	Modest advancements in law, but overall limited effective deployment of assistive materials, unsuitable polling locations and poor co-ordination meant the promise of better elections for persons with disability was not realised.	Ensure genuine opportunity to vote for persons with disabilities, and the vulnerable through a conducive voting environment, enabling independent access and respect for the secrecy of the	No change in law needed	INEC	<p>Right and opportunity to vote</p> <p>CPRD, article 29, “<i>States Parties shall [...] undertake to:</i> a) <i>Ensure that persons with disabilities can effectively and fully participate in political and public life [...] by: i. Ensuring</i></p>

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			vote, as well as sufficient assistive devices during all categories of elections.			<i>that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.”</i>
19	43	Efforts to produce a well-structured operational framework did not materialise in a clear plan of implementation for IDP voting. Vulnerabilities owing to missing data both for IDP voters and their polling locations, meant independent assessment was not feasible, while steps to address security concerns and political manipulations were not robustly and transparently delivered.	Enhance the right to vote of internally displaced voters by issuing a clear timely operational framework evidenced by detailed information on key voter data, specified temporary special measures, polling unit locations, security arrangements, targeted voter education planning and the early publication of post-election evaluations.	No change in law needed	INEC	Right and opportunity to vote The Convention for the Protection and Assistance of Internally Displaced Persons in Africa, article 9(2)1 “ <i>States Parties shall take necessary measures to ensure that internally displaced persons who are citizens in their country of nationality can enjoy their civic and political rights, particularly public participation, the right to vote and to be elected to public office.</i> ”
CITIZEN AND INTERNATIONAL OBSERVERS						
20	45	INEC provided a timely process for observer online accreditation, however most domestic observer organisations received accreditation cards for their observers on the eve of the presidential elections and then in insufficient numbers. Similarly, political parties also faced problems in obtaining	Ensure the public accountability of electoral authorities by guaranteeing in law the right of access of observers and media to all stages of elections and key electoral information, underpinned by timely and	Electoral Act	National Assembly	Transparency and access to Information ACDEG, article 12 “ <i>...promote democratic principles...consolidate a culture of democracy and peace.</i> ” ICCPR, HRC GC 25, para. 20:

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		<p>sufficient numbers of accreditation cards in time before the 25 February elections. Some observers reported that they were subject to obstruction, harassment and threats. Mistreatment and obstruction of observers compromises transparency and therefore the integrity of the electoral process.</p>	<p>transparent accreditation processes and with targeted sanctions for obstruction, intimidation or violence.</p>			<p><i>“[...] There should be independent scrutiny of the voting and counting process ... so that electors have confidence in the security of the ballot and the counting of the votes...”</i></p> <p>ICCPR, HRC GC 25, para. 25: <i>“...This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion.”</i></p>
ELECTORAL DISPUTE RESOLUTION						
21	46	<p>Many legal cases started before elections went on for protracted periods and some overlapped with election days, especially impacting candidates, and voters’ certainty. The timelines for post-election disputes are lengthy and given the general propensity to challenges results are not conducive to ensuring stability and certainty for newly elected officials.</p>	<p>Enhance certainty for voters and candidates through completion of pre-election disputes well in advance of election days by adapting legal timelines, providing additional resources for adjudication, as well as consistently and concisely detailing and publishing decisions in a timely manner including online.</p>	Electoral law	National Assembly	<p>Rule of law/ Right to an effective Remedy</p> <p>UDHR, article 8: <i>“Everyone has the right to an effective remedy...”</i></p> <p>ICCPR, article 2(2): <i>“... to adopt such laws or other measures as may be necessary to give effect to the rights...”</i></p> <p>ICCPR, article 19(2): <i>“[...] freedom to see, receive and impart information [...]”</i></p>

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL PRINCIPLE / COMMITMENT
22	47	Overall, there is a need to address a lack of structure and legal certainty for tackling electoral offenders and demonstrating accountability of such offenders but also of the institutions charged with dissuading such acts. The law is weak as is transparency and clear operational frameworks are lacking.	PRIORITY Address impunity for electoral offences through robust, well-defined, and effective inter-agency co-ordination governed by clear rules on non-partisanship, optimisation of resources, delivery of effective investigation and sanctioning, and provision of regular public consolidated information on outcomes.	No legal change necessary	INEC EFCC ICPC NFIU Police	Rule of law ICCPR, HRC GC 25, para. 11. "Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced."
POLLING, COUNTING AND COLLATION						
23	49	INEC did not publish the manner of calculation of the declared presidential and National Assembly winners, the turnout per state, number of accredited voters, total votes cast, rejected ballots, votes attributed to each party or the list of polling units where elections were cancelled, postponed, or not held. The absence of this information undermined the possibility for independent verification of the outcomes. The live collation of results broadcasted by media outlets constituted the only public source for results data.	Ensure immediate and easy access to key information of public interest. This includes result forms from all collation levels, and decisions on i) cancellations of polling unit results, ii) supplementary elections, iii) declaration of winners, iv) the creation of new polling units and on v) re-allocation of voters. Underpin transparency measures with a clear legal basis and effective sanctioning for non-	Electoral Act	National Assembly INEC	Transparency and access to information ACDEG, article 3 "Holding of regular, transparent, free and fair elections." UN CAC article 10 "Taking into account the need to combat corruption, each State Party shall ... take such measures as may be necessary to enhance transparency in its public administration." ICCPR, article 19, HRC GC 34,

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			compliance.			para. 19 “States parties should proactively put in the public domain Government information of public interest.”

ANNEX 1 – EU EOM MEDIA MONITORING RESULTS

Starting from 17 January, the EU EOM systematically monitored a sample of national and state-level media. The monitoring sample for audio-visual media included two federal government owned broadcasters, five private TV channels and two private radio stations with a close-to-nationwide reach. As radio is the key news medium in Nigeria, the EU EOM, using Meta’s social listening tool CrowdTangle, also consistently observed posts by 45 state-level radio stations. Considering that newspapers, alongside their online versions, are among the top 20 sources of news for Nigerians, content of seven federal-level print outlets was also observed.

Media monitoring included quantitative and qualitative analysis of the coverage of campaign and other socio-political issues, assessing the amount of time and space allocated to candidates, political parties, public officials, and other politically relevant subjects, as well as evaluation of the tone of the coverage and the gender balance across the media landscape. The latter contributed to the EU EOM’s assessment of female participation in the public and political life.

1. The EU EOM monitoring results for broadcast media with a nation-wide reach.

The quantitative monitoring was done from 17 January to 16 March, and was stopped during the campaign silence, on election day and during the announcement of results for Presidential and National Assembly elections (from 24 February to 1 March). The broadcast media monitoring focused on programs aired during the prime-time hours:

- For radio stations from 06:00 to 08:00 and from 18:00 to 20:00.
- For television channels from 18:00 up to 23:00.

1.1 Total time allocated to political communication in national broadcast media’s primetime programming.

During the 58-days long monitoring period, the EU EOM coded radio broadcasts lasting 666 hours, with an average of 14 per cent being allotted to political communication. During the same monitoring period, the EU EOM coded TV broadcasts lasting 1,500 hours, with an average of 24 per cent being granted to political communication. [Table 1](#) shows how much airtime each media outlets devoted to the coverage of electoral and other socio-political issues.

Table 1

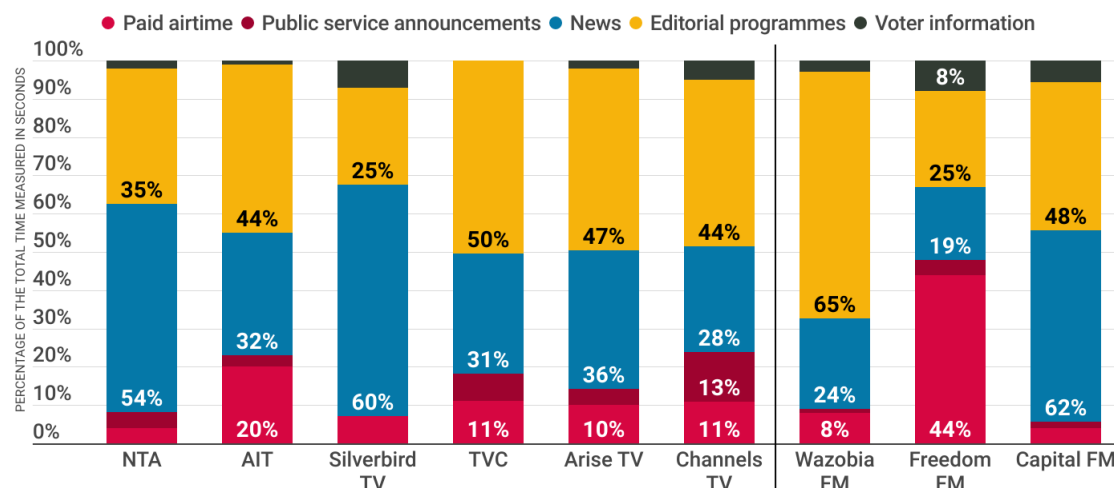
Media outlet	Language of broadcasts	Percentage of total time coded	Time allocated to political communication
RADIO STATIONS			
Capital FM (FRCN)	English	11 per cent	24 hours 37 min
Freedom Radio Kano	Hausa	21 per cent	46 hours 12 min
Wazobia FM	Pidgin English	10 per cent	22 hours 33 min
TELEVISION STATIONS			
NTA (federal government -run)	English	26 per cent	63 hours 77 min
AIT	English	26 per cent	67 hours 52 min
Arise TV	English	33 per cent	82 hours 13 min
Channels TV	English	38 per cent	91 hours 57 min
Silverbird TV	English	8 per cent	19 hours 27 min
TVC	English	47 per cent	107 hours 11 min

Chart 2 shows the breakdown of types of radio and TV broadcasts featuring political communication. Editorial programmes include political discussion shows, interviews with electoral contestants and call-in programmes. Voter information programmes include short voter information clips produced by INEC, NOA, EFCC and civil society organisations. Public service announcements include paid-for programs and short clips sponsored by federal or state governments, primarily focusing on promotion of new development and infrastructure projects.

Chart 2

Breakdown of types of political communication across monitored media

Monitoring period - 17 January, 2023 to 16 March, 2023



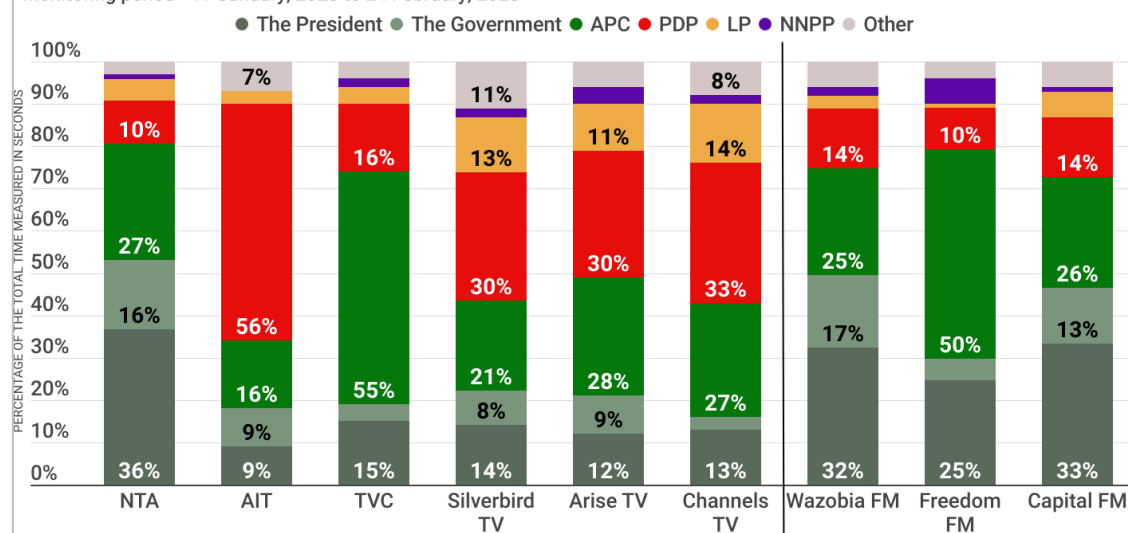
1.2 Political actors' exposure within the prime-time newscasts.

Chart 3 shows proportional distribution of time among various political actors. Those include political parties and their candidates, the president, and federal government ministers.

Chart 3

Total time devoted to political actors within the prime-time newscasts

Monitoring period - 17 January, 2023 to 24 February, 2023



	NTA	AIT	TVC	Silverbird TV	Arise TV	Channels TV	Wazobia FM	Freedom FM	Capital FM
Time coded	6 hours 55 minutes	6 hours 37 minutes	8 hours 24 minutes	3 hours 28 minutes	7 hours 32 minutes	8 hours 5 minutes	1 hours 45 minutes	3 hours 23 minutes	4 hours 50 minutes

Direct quotes from various political actors amounted to 24 per cent of airtime on average. Chart 4 shows the first ten most quoted politicians within the news bulletins. The outgoing president

was the most quoted person within the news, followed by presidential candidates from APC, PDP, and LP. The Minister of Information was by far the second most quoted person within the news of federal government owned NTA.

Chart 4

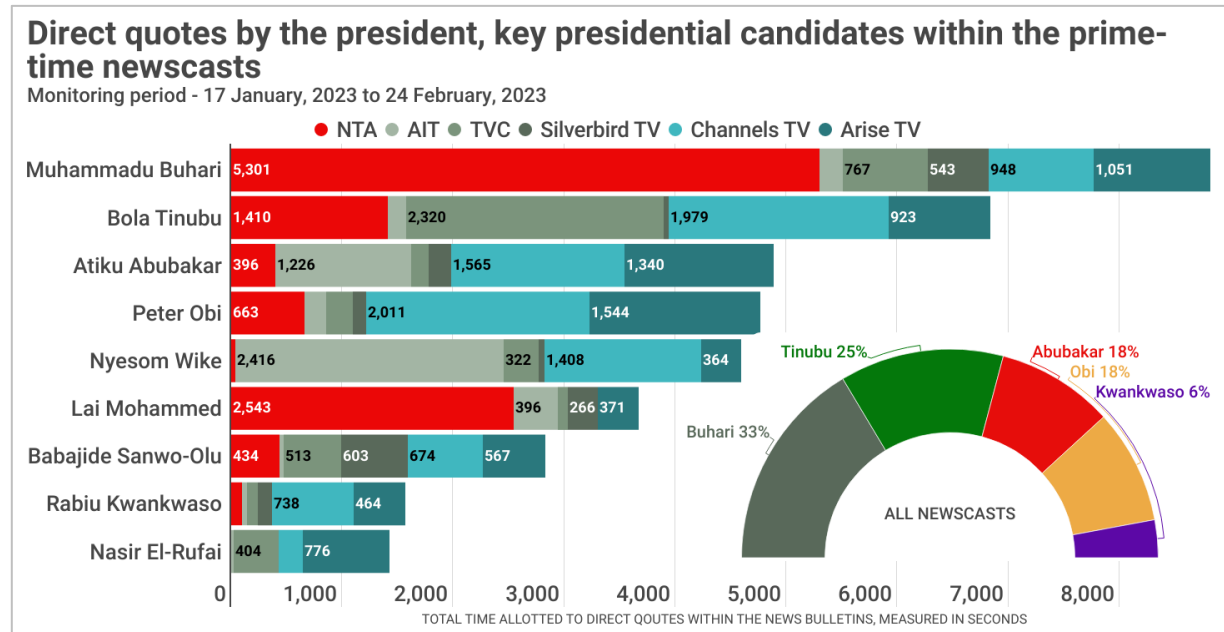


Chart 5 shows the proportional distribution of time among various political actors between 25 February and 18 March elections. During the first two weeks all monitored media devoted up to 80 per cent of the news coverage to the disputed presidential election and the performance of INEC. Only after the postponement, more attention was paid to a few gubernatorial races.

Chart 5

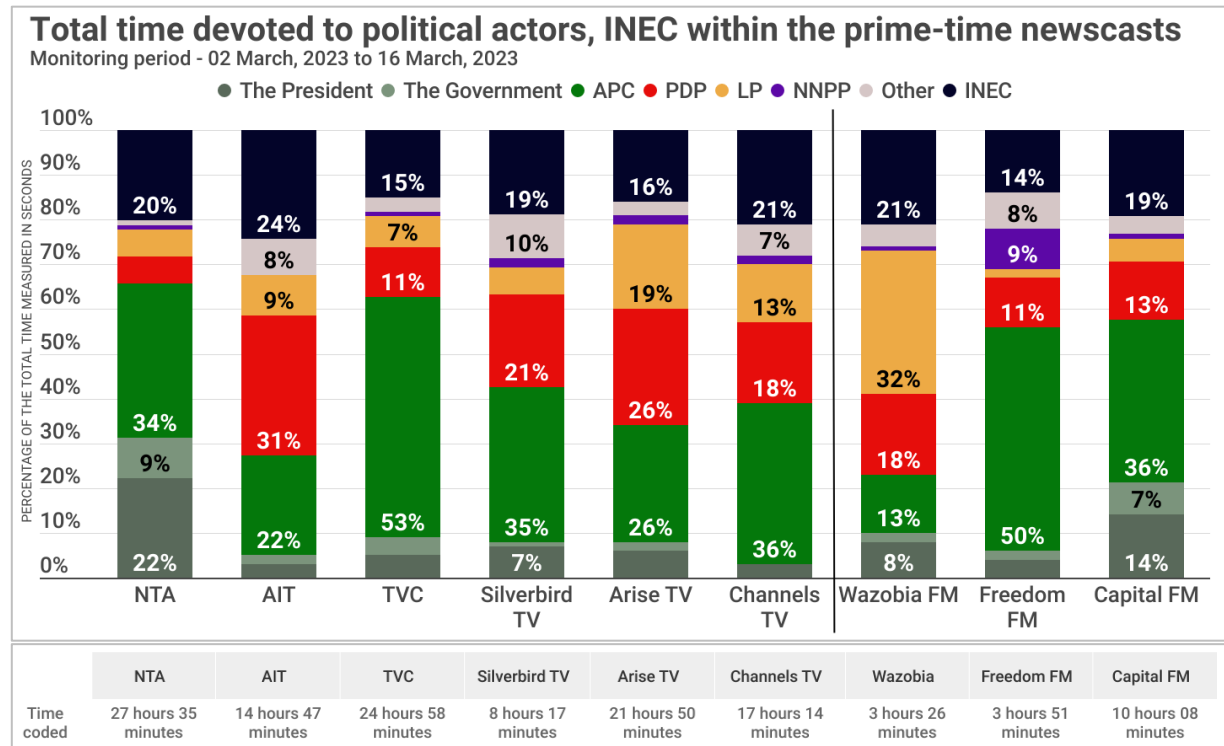
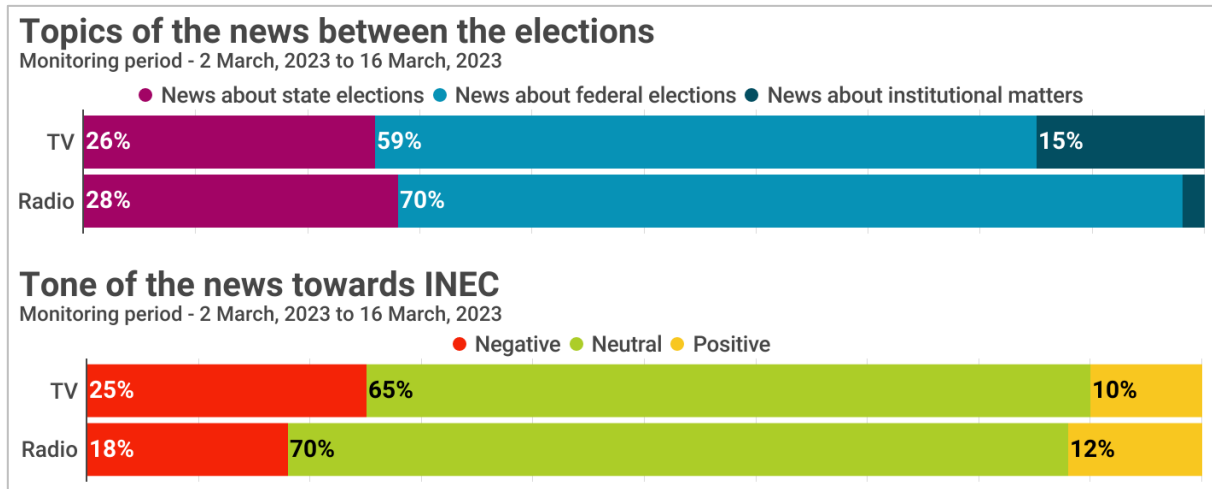


Chart 6 shows the overall proportional distribution of time between the news covering federal elections, news on state elections and news about institutional events. The same chart also

shows the tone of news towards INEC. Notably, the tone towards INEC was predominantly negative on six out of nine outlets, proportionally ranging from two per cent of news being negative in tone on NTA to 56 per cent of news being negative on Arise TV.

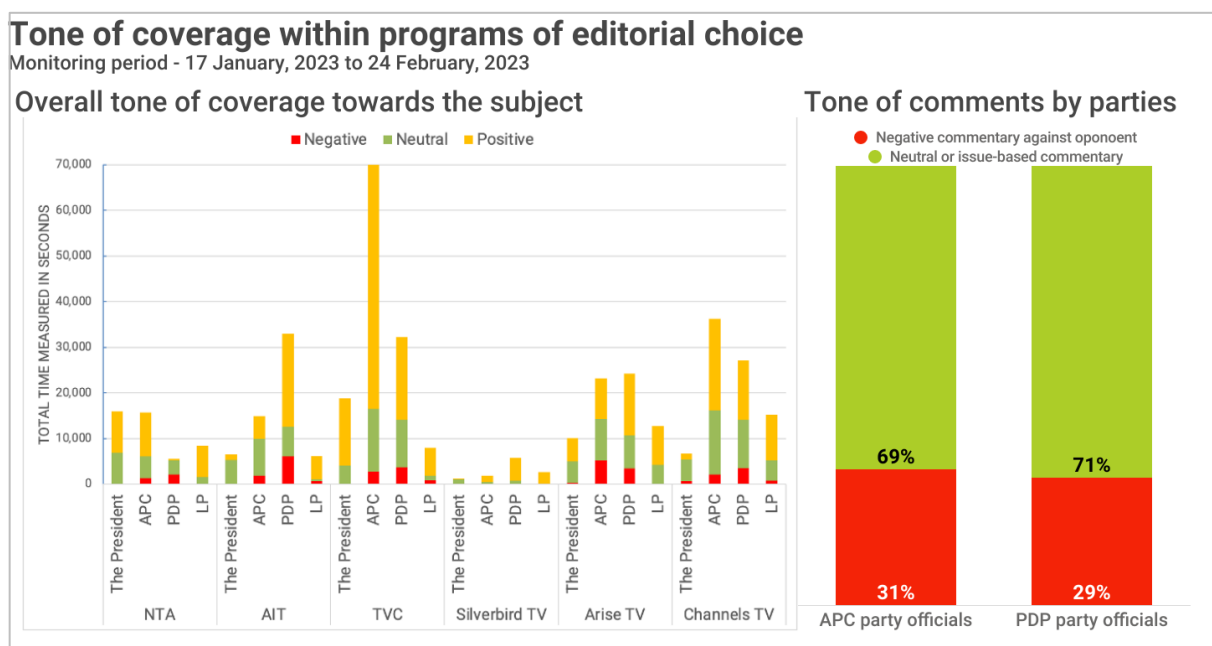
Chart 6



1.3 Political actors’ exposure within the programmes of editorial choice.

The proportional distribution of time among the political actors within TV and radio shows was similar to that of the news. Although the tone towards the APC and PDP was often negative within the newscasts, the tendency was more pronounced within the political talk shows and call-in programmes, with experts and audience giving a negative assessment to both parties. Further, high level officials from APC and PDP, if invited to studio discussions, frequently were lamenting each other, hence further increasing the share of negative coverage, as illustrated in the [Chart 7](#). The measurement “*sharp negative commentary*” does not include time during which party officials voiced measured criticism towards opponents’ policies or campaign programme.

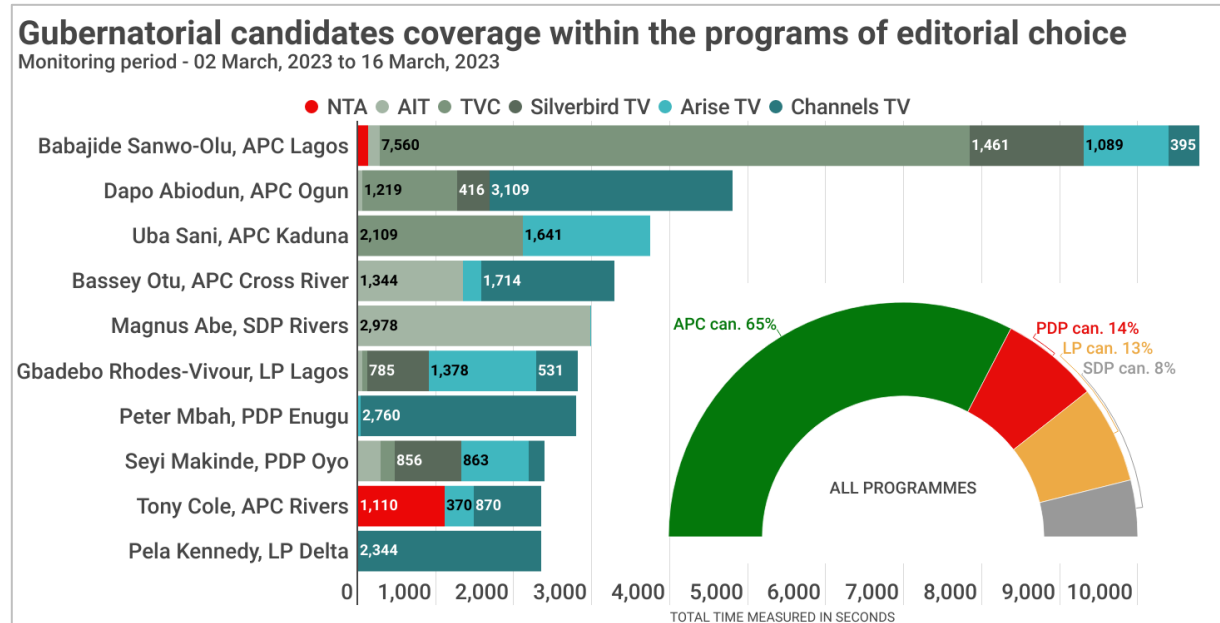
Chart 7



Prior to the Presidential and National Assembly elections gubernatorial candidates were barely mentioned within the editorial programmes. Only after the postponement of state elections, there were more interviews with gubernatorial candidates, while their prospects were discussed

by experts. [Chart 8](#) shows ten most frequently mentioned or interviewed candidates, as well as the overall distribution of time among the gubernatorial candidates within TV broadcasts. Monitored radio stations covered gubernatorial candidates standing for the election in the geopolitical zone where the station has the largest audience share. For example, Wazobia Lagos focused on candidates in Lagos, while Freedom Radio Kano, on candidates in Kano.

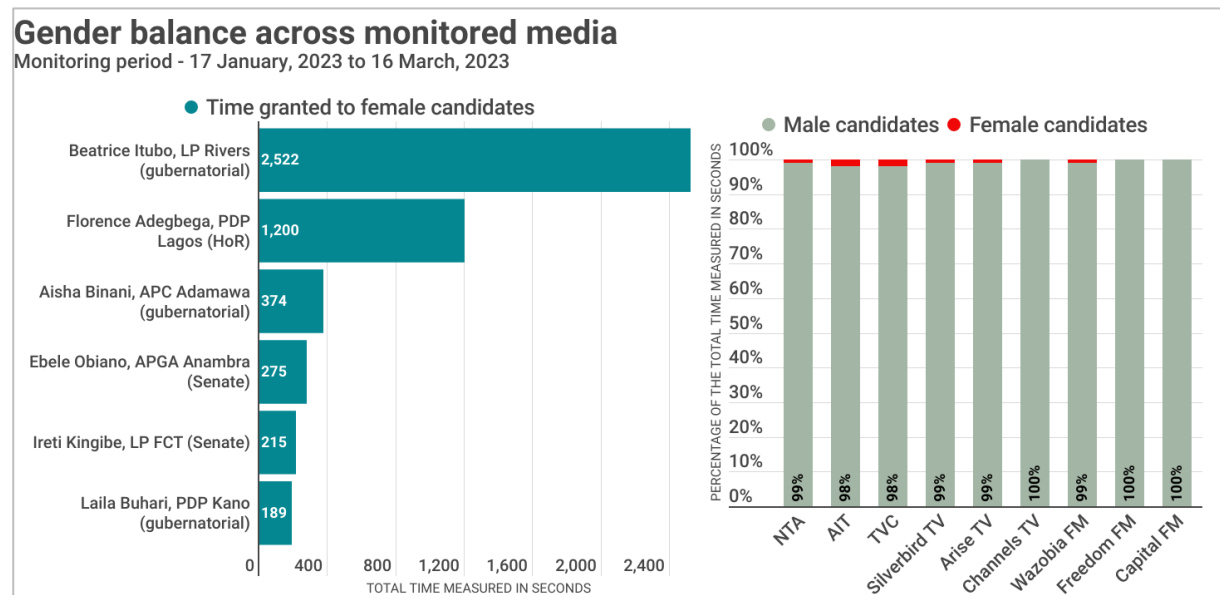
Chart 8



1.4 Gender balance across monitored media.

Broadcast media primarily focused on the presidential election; hence little airtime was given to female candidates contesting National Assembly elections. Also, women competing in state elections received little coverage, as evidenced by [Chart 9](#), that lists the only six female contestants who received a meaningful media coverage within prime-time hours.

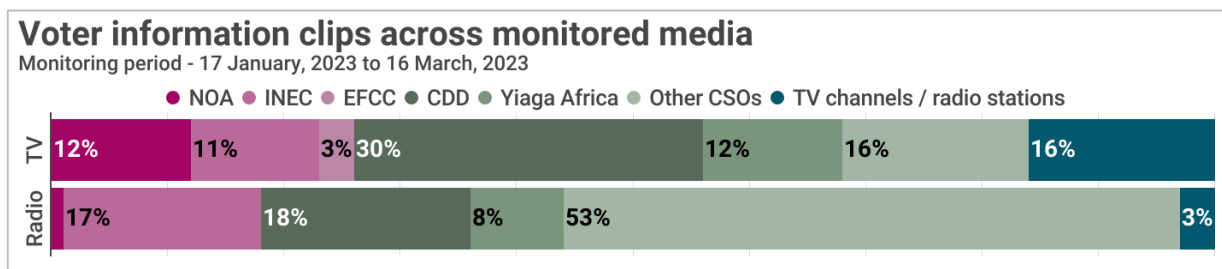
Chart 9



1.5 Voter information across monitored media.

Airtime devoted to voter information clips during broadcast media’s prime-time programming reached some four per cent on average, ranging from three per cent on TV channels to seven per cent on radio stations. During the monitoring period more than 870 voter information clips were aired by monitored broadcast media. [Chart 10](#) shows the proportional distribution of voter information clips and jingles per sponsoring organisation. Positively, all national television stations produced many voter information clips on their own accord, primarily calling to active and peaceful participation in the elections.

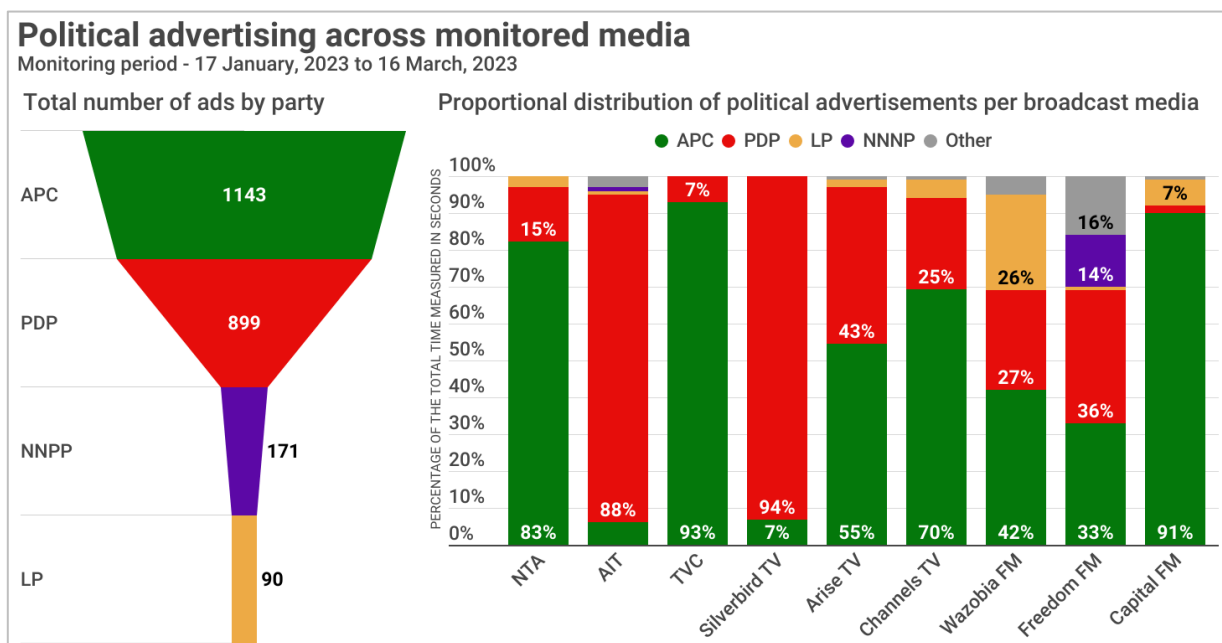
Chart 10



1.6 Political advertisement and public service announcements in monitored media.

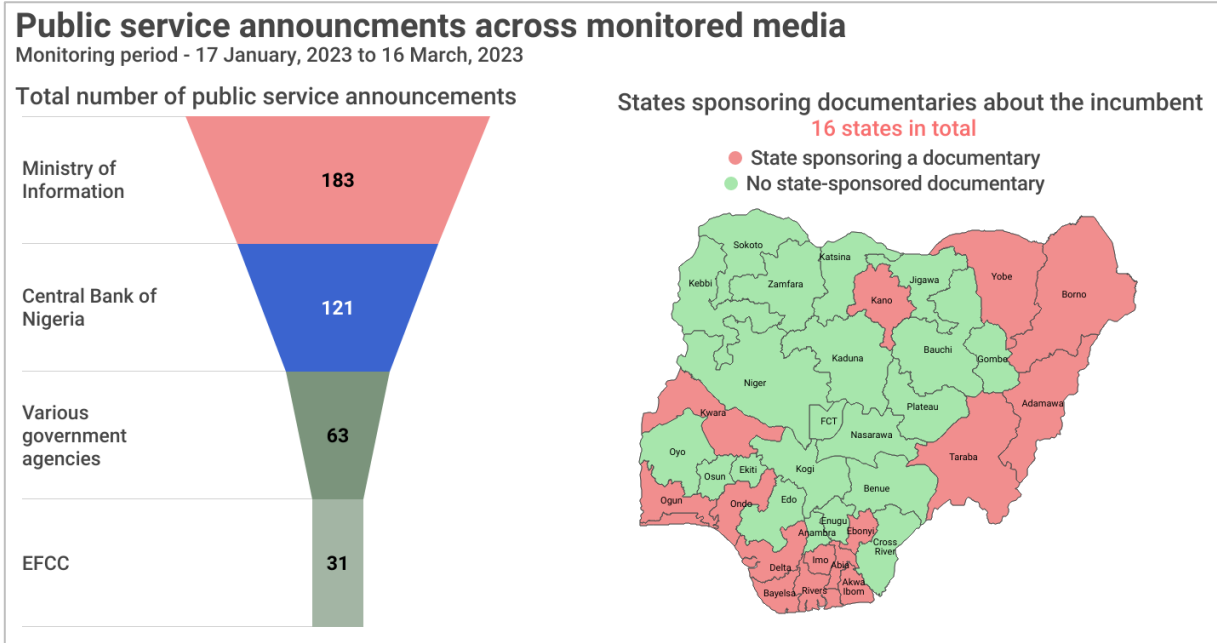
Airtime sold to political parties during prime-time programming reached some 24 per cent on average, ranging from 14 per cent on television channels to 34 per cent on radio stations. [Chart 11](#) shows the proportional distribution of paid-for airtime per party per broadcast media outlet, as well as the total number of political advertisements placed by leading political parties.

Chart 11



In total 16 states sponsored production and broadcast of documentaries that prize the incumbent governor and his party. Among state institutions Ministry of Information placed most public service announcements as shown in [Chart 12](#). Those clips and documentaries promoted President Buhari’s legacy through various infrastructure, development and social support programmes introduced and inaugurated during his presidency. All public service announcement by the CBN were devoted to the Naira swap policy.

Chart 12



2. The EU EOM monitoring results for print media with a nation-wide reach.

The quantitative monitoring was done from 17 January to 24 February and was stopped on election day. After the Presidential and National Assembly elections print media focused on disputed presidential race, with almost no front-page space devoted to the gubernatorial elections, hence the EU EOM did not proceed with quantitative monitoring.

The monitoring of newspapers’ coverage of elections had two components:

- Daily coding of a front-page space allocated to political actors. The coding of data was limited to the front-page only, as those headlines had by far greater reach than the rest of the newspapers’ content because read-outs of front-page headlines is an indispensable element of state-level radio stations’ daily newscasts.
- Daily coding of top five Facebook posts with the highest number of engagements per each newspaper. The monitoring of Facebook posts by newspapers was done using Meta’s social listening tool CrowdTangle. This component was added to the media monitoring considering newspaper’s official Facebook pages on average are reaching a 10 times larger audience than that of a printed copy.

Chart 13 shows the most frequent topics that were featured in print media’s most popular posts. Untypically for social media environment, posts with news related to the Naira shortage were more frequently among the most commented and shared posts, overtaking posts about entertainment, sports, and criminal news. Notably, also posts with a front-page image of the newspaper garnered many shares, comments and likes.

Chart 13

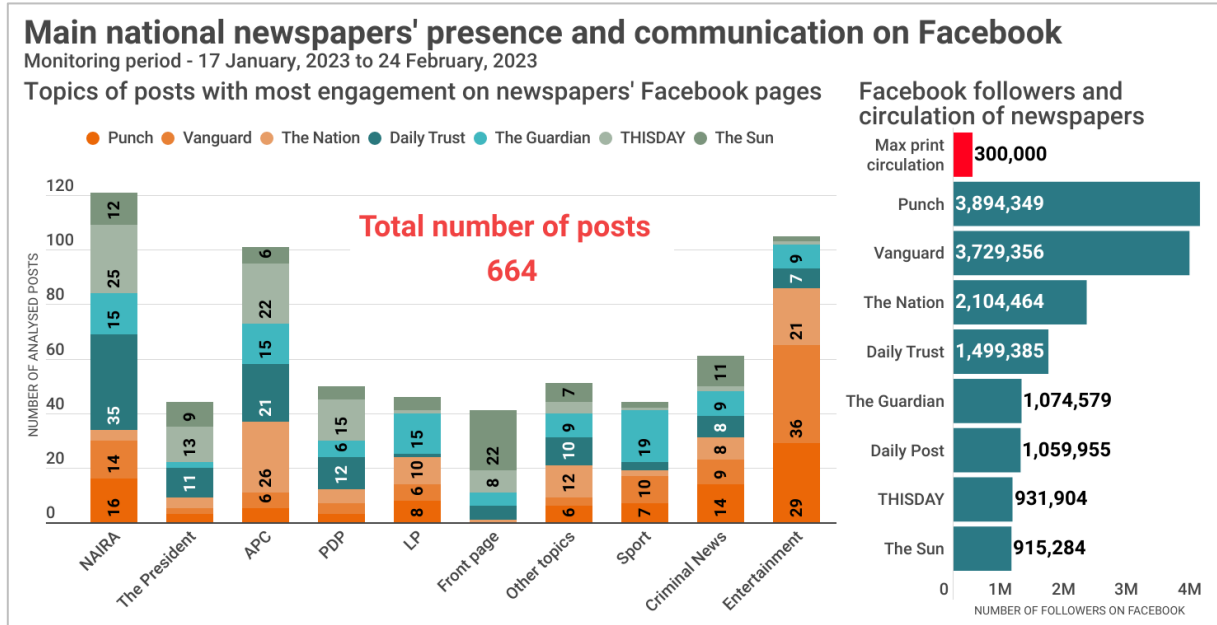
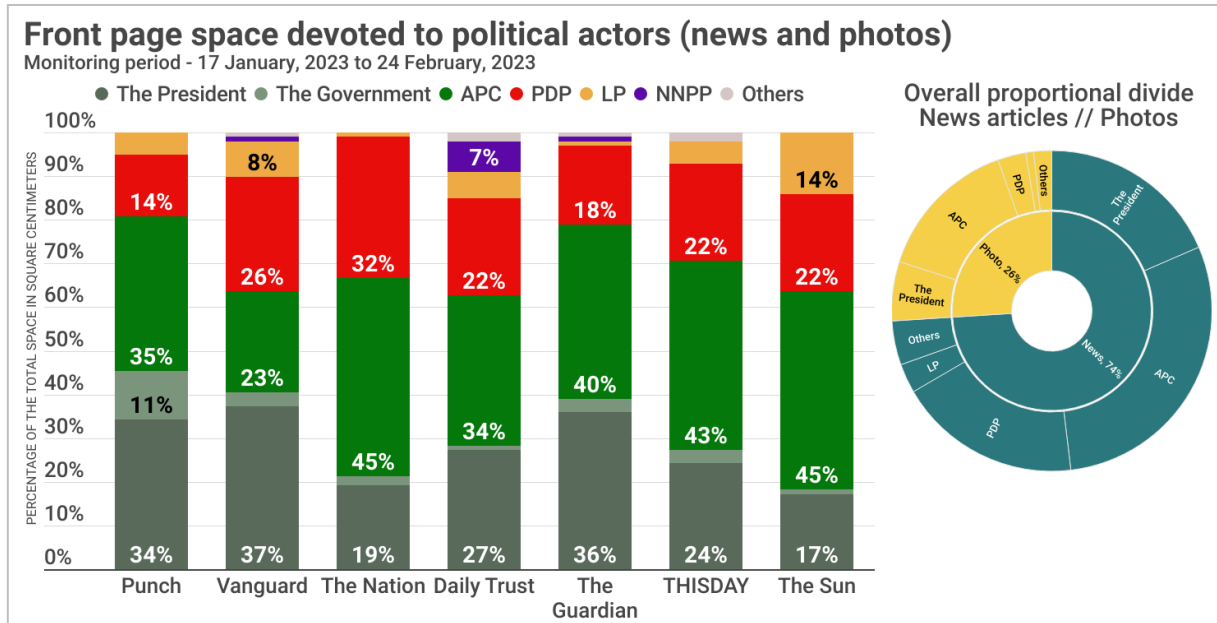


Chart 14 shows allocation of space to political actors on newspaper’s front pages as well as proportional divide between news articles and photos on the frontpage. The chart shows that the news space was overall equitably divided between the outgoing president, APC and PDP, while APC’s electoral contestants dominated visual images getting 56 per cent of all space allotted to the photos.

Chart 14



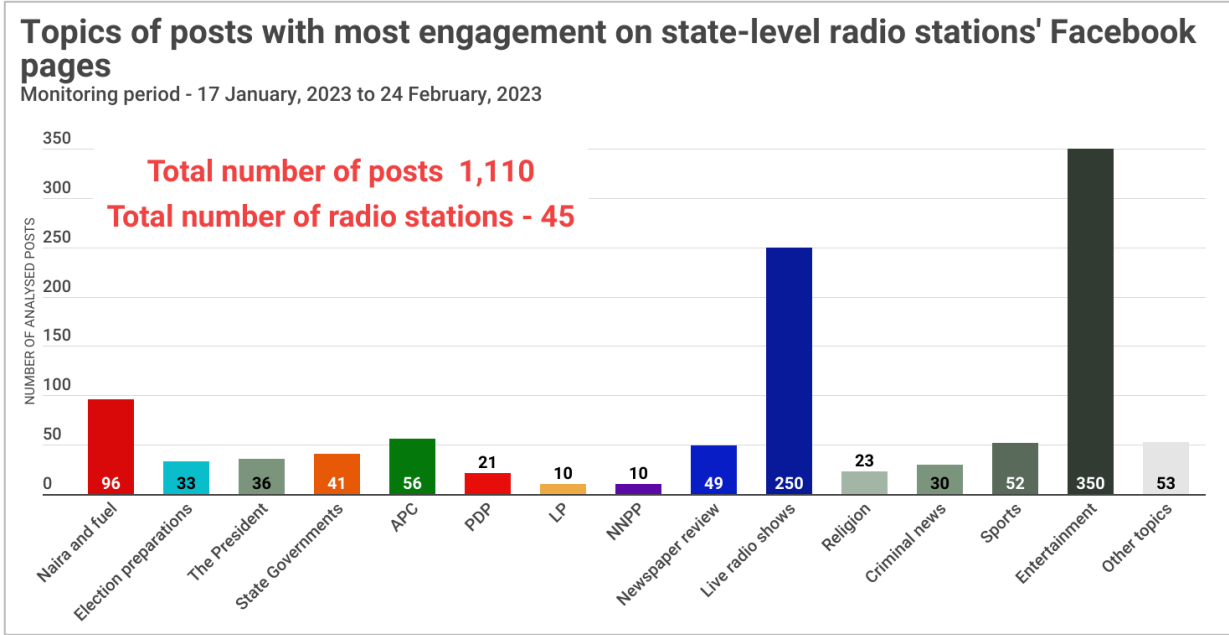
3. The EU EOM monitoring results for state-level radio stations.

The monitoring of state-level radio station broadcasts and posts on Facebook was done from 17 January to 16 March, and was stopped during the campaign silence, on election day and during the announcement of results for Presidential and National Assembly elections (from 24 February to 1 March). As consistent recording of state-level radio stations could not be ensured in Abuja, the EU EOM used Meta’s social listening tool CrowdTangle to monitor posts by 45 state-level radio stations.

The monitoring was done in two phases:

- From 17 January to 24 February the EU EOM daily coded three Facebook posts with the highest engagement per each radio station. Results of this monitoring phase are included in Chart 15, that shows which topics were the most shared and commented.
- From 2 March to 16 March, the EU EOM conducted only qualitative monitoring of posts placed by state-level radio stations, focusing on live broadcasts or clips from live broadcasts posted on respective Facebook pages.

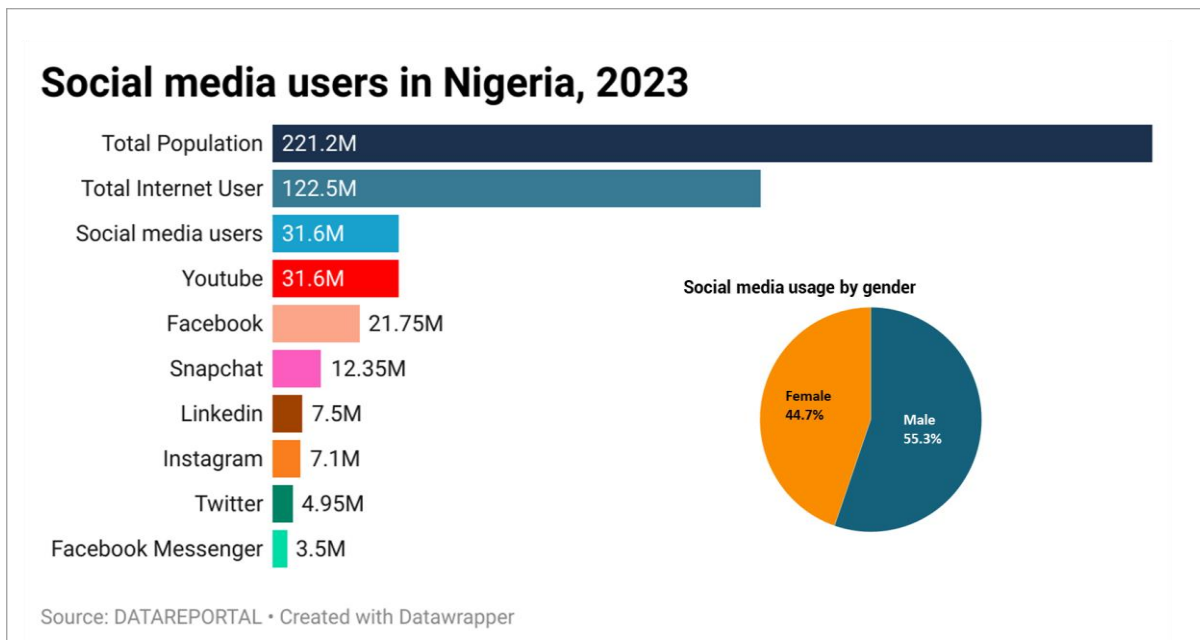
Chart 15



ANNEX 2 – SOCIAL MEDIA MONITORING RESULTS

1. SOCIAL MEDIA ENVIRONMENT

Chart 1



2. EU EOM NIGERIA 2023, METHODOLOGY

The EU EOM Nigeria 2023 applied different and complementary approaches and techniques to analyse online platforms and to gather information on online election-related content. These methods include quantitative and qualitative data analysis, legal analysis, meetings with relevant stakeholders, cooperation with different CT members and LTOs.¹³¹

The EU EOM Social Media Monitoring Team was fully operational from 23 January, when it started its regular activities, which continued until the end of March. It consisted of 5 social media monitors; team members spoke Hausa, Yoruba and Igbo, among other languages.

The EU EOM selected the monitoring sample considering the relevance (metrics of interactions on Facebook, reach on Twitter and relevance on YouTube; number of followers, interaction rate per post, etc.) and the potential influence of the page/group on the political agenda and discourse (based on qualitative assessment). The content of the pages, accounts, channels or groups (covering social, political, and electoral issues) of a total number of 1036 accounts/pages was regularly monitored. The EU EOM monitored accounts of political parties, presidential candidates, gubernatorial candidates, as well as a range of supporting groups, primarily on Facebook and Twitter, which were both used by all key contestants as major platforms to share information. The Facebook page and the Twitter account of the INEC were also monitored. The EOM also followed the campaign activities on YouTube and TikTok.

¹³¹Monitoring messaging networks, such as WhatsApp, Telegram, Viber or Messenger are not included in the scope of the EU EOMs/EEM methodology due to data protection and privacy matters.

Table 1 Vj g'uqekrñ'o gf kc'o qpkqtłpi "cpf "f cv"eqmgevłqp lıkuwercukvłqp"vqqu"vugf

Quantitative and qualitative SMM conducted: From 23 January – 31 March				
TOOLS	FACEBOOK	TWITTER	YOU TUBE	TIK TOK
Social Listening Tools	CrowdTangle, SentiOne, Brand 24	SentiOne, Brand 24, Social blade, Tweetdeck, Twitonomy	SentiOne, Brand 24	Brand 24 TikTok Creative Center
Paid Advertising Monitoring	Meta ad library			Tik-Tok creative centre
Suspicious Account Monitoring	Manual verification	Manual verification, Hoaxy, Botometer, Bot sentinel, Python script, TweepieSearch	Manual verification	Manual verification
Fact Checking	Tineye, Google Reverse Image Search, WayBack Machine, Google Maps, Deepware, InVid chrome extension			
Visualization	Powerbi, Gephi, NodeXL, Google Looker studio, Rawgraphs, Infogram, Datawrapper			

Various types of analysis were conducted on a total of 20,451 posts or tweets. The data collected from these sources provided valuable insights and information that were crucial in understanding the social media environment around the elections.

3. ELECTION CONTESTANTS CAMPAIGN ONLINE

The EU EOM has identified and included in its database the following list of social media pages/accounts/channels¹³².

Table 2

All social media accounts, pages and channels systematically monitored

Monitoring period – 1 January, 2023 to 23 February, 2023

Accounts	Facebook pages	Twitter accounts	Instagram accounts	TikTok accounts	Youtube channels	Total
Candidates	33	33	24	7	8	105
Political parties	15	16	0	0	1	32
Support group	458	94	0	69	47	668
Social Media Influencers	0	130	0	11	0	141
INEC	1	1	0	0	0	2
Fact Checkers	8	23	7	0	0	38
Official Media	0	40	0	0	10	50
Total	515	337	31	87	66	1036

Table 3

Party supporters' accounts, pages and channels

Party	Facebook pages	TikTok accounts	Twitter accounts	Youtube channels	Total
AA	3	1	0	2	6
AAC	6	2	10	2	20
Accord	4	0	0	0	4
ADC	4	1	0	1	6
ADP	8	2	4	5	19
APC	90	7	22	13	132
APGA	1	0	1	0	2
APM	5	0	0	0	5
APP	1	0	0	1	2
BOOT	2	0	0	0	2
LP	127	32	32	17	208
NNPP	66	12	5	5	88
NRM	10	0	1	0	11
PDP	103	8	19	0	130
PRP	9	1	0	0	10
SDP	3	0	0	1	4
YPP	10	0	0	0	10
ZLP	6	3	0	0	9
Total	458	69	94	47	668

The decentralised nature of several party pages made it difficult to determine the exact number of official pages associated with the political parties, but only a small fraction of these pages were directly

¹³² Social Media accounts of regional contestants provided by LTO Teams are also included in Table 2

managed by the parties and candidates, while the majority were created and managed by political party support groups and social media influencers.

Throughout the campaign period, Obi had a significant online presence, primarily utilising Twitter to disseminate his messages. He garnered a substantial following of active online users, primarily consisting of a youthful demographic. Despite not being the top publisher on Facebook, Obi has the highest number of interactions on both Facebook as well as Twitter. Atiku followed behind with the highest number of posts with significant amount interactions. Four key presidential candidates (each of whom received a significant number of votes in the election) highlighted in this annex primarily relied on Twitter as their primary platform for disseminating their messages and connecting with their supporters, with the exception of Kwakwaso, the NNPP presidential candidate, who utilized Facebook more frequently than Twitter.

Chart 2

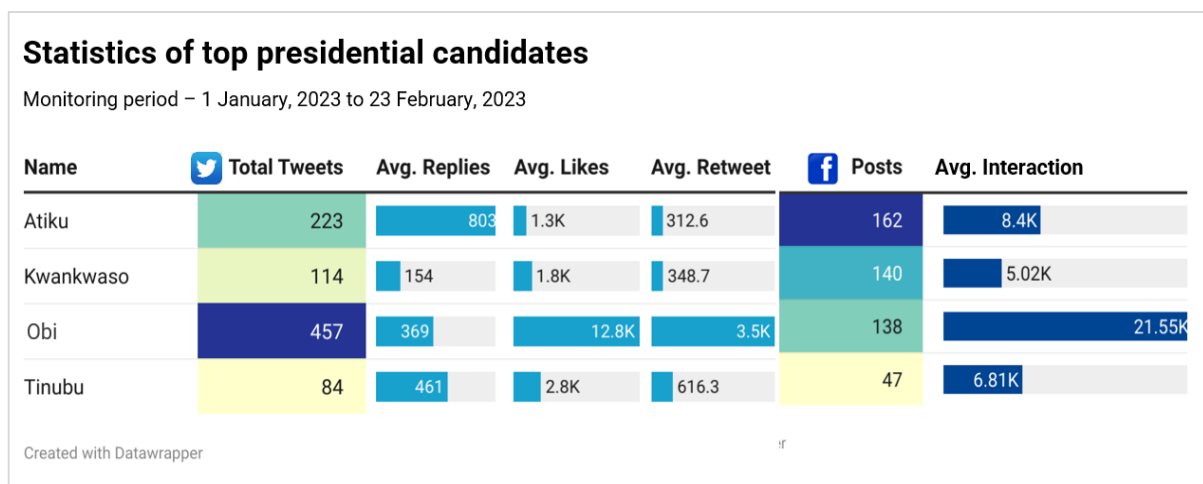
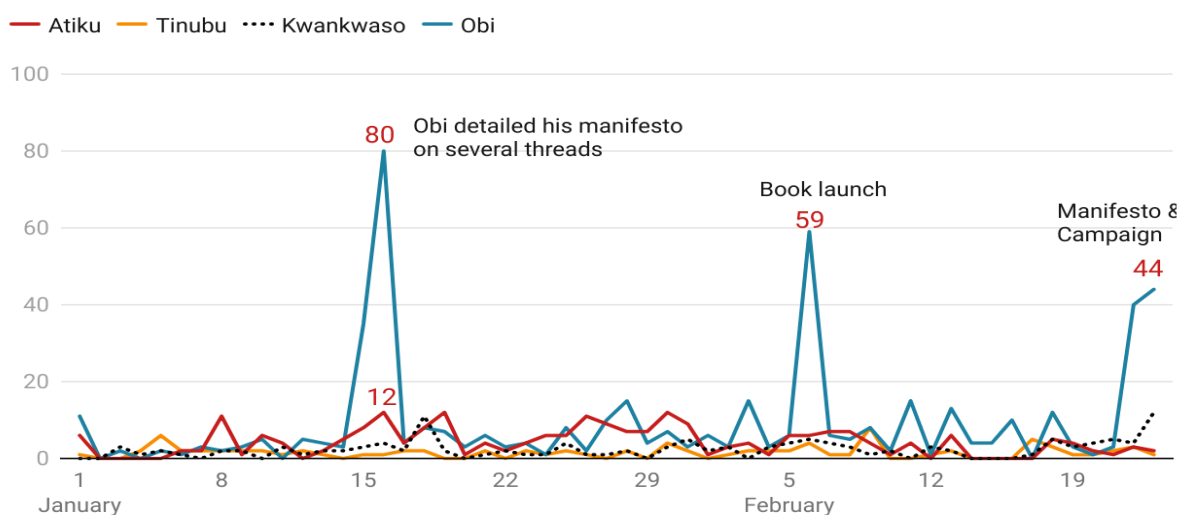


Chart 3

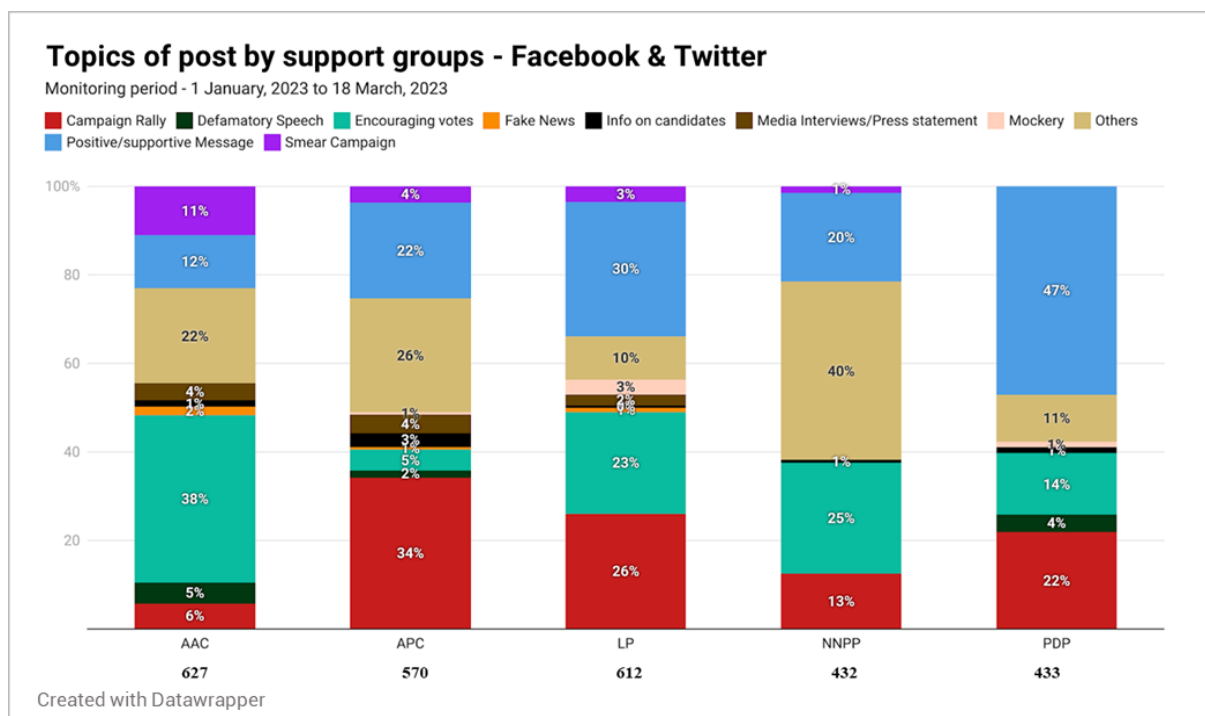
Tweets by top presidential candidates

Daily Tweets from 1st January, 2023 to 23rd February, 2023



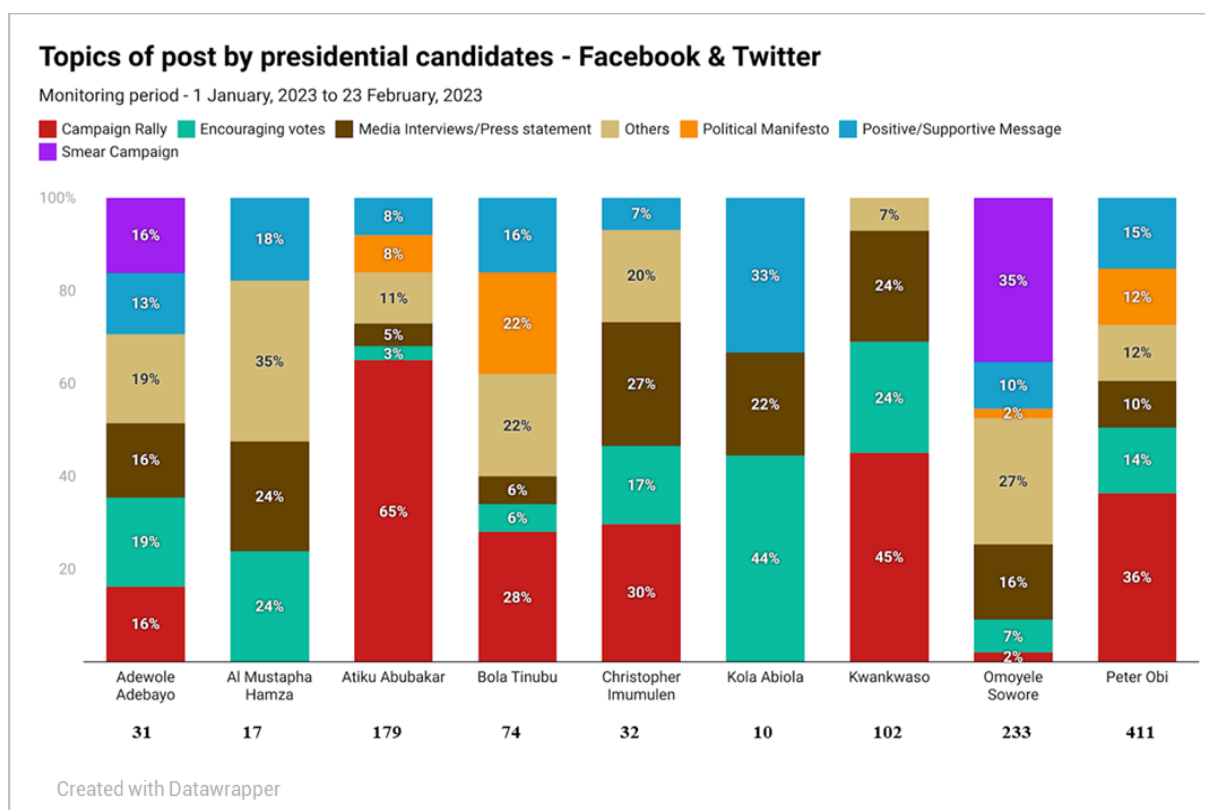
Created with Datawrapper

Chart 4 - 2674 posts



Of all the 18 presidential candidates, 9 were actively using social media, including frontrunners. A total of 1,089 published posts were analysed.

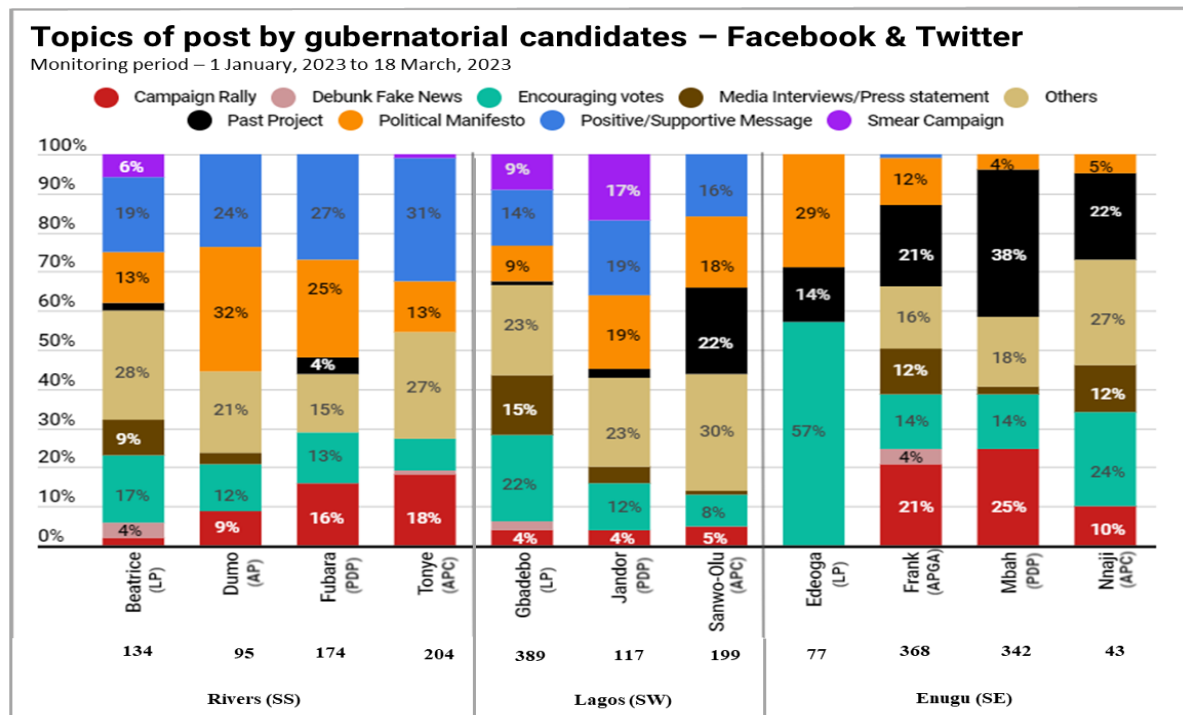
Chart 5



For the Governatorial elections the EU EOM focused on 6 states, one from each of the 6 geopolitical zones. In each of the sampled states, the team focused on the key candidates, if they were active on social media. The gubernatorial candidates from the southern region were much more active and

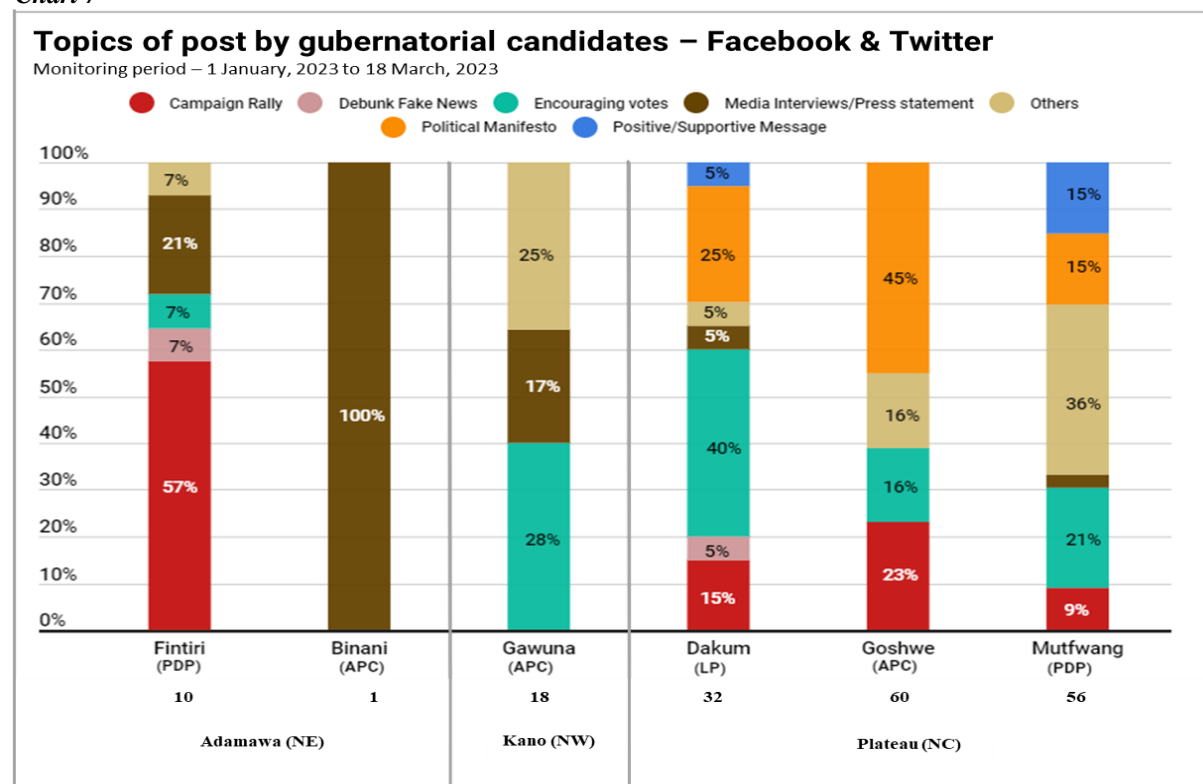
engaged on social media platforms than their northern counterparts. In total, 2319 posts by 17 gubernatorial candidates were analysed.

Chart 6



Created with Infogram

Chart 7



Created with Infogram

Top TikTok hashtags

Monitoring period - 1 January, 2023 to 23 February, 2023.

	Hashtags	Posts	Views
	#election2023	15K	93M
APC	#apc	28K	278M
	#tinubu	33K	358M
LP	#labourparty	23K	148M
	#peterobi	69K	522M
NNPP	#nnpp	8K	79M
	#kwankwaso	12K	91M
PDP	#pdp	20K	240M
	#atiku	13K	184M

Source: Tiktok Creative Center - Created with Datawrapper

Chart 8

In terms of hashtags on TikTok associated with the major presidential candidates, LP-related posts had the highest number of views, followed by APC, PDP and NNPP.

Among the key candidates, only Peter Obi, LP and Rabi'u Musa Kwankwaso, NNPP had an official account on the platform.

Party supporters' channels - YouTube

Monitoring Period - 1 January, 2023 to 23 February, 2023

Party		Number of subscribers	Activity (Video)	Total views
APC	Official Page	1.3K	50	343.2K
Support Group	ABNUR ENTERTAINMENT	82.5K	57	4.2M
LP	Official Page	1.5K	31	28.6K
Support Group	Aisha Yesufu	39.5K	856	5.6M
	TakeBackNaijaTV	1.2K	32	65.7K
	Obidient TV	2.4K	28	39.8K
NNPP	Official Page	5.7K	112	437.9K
Support Group	Tijanni Gandu TV	24.9K	92	2.6M
	NNPP TV Kano	935K	100	80.4K
	Hausa Arab Rapper TV	30.5K	60	9.6K
	Muradi Hausa TV	192	17	9.6K
PDP	Official Page	2.7K	122	332K

Created with Datawrapper

Chart 9

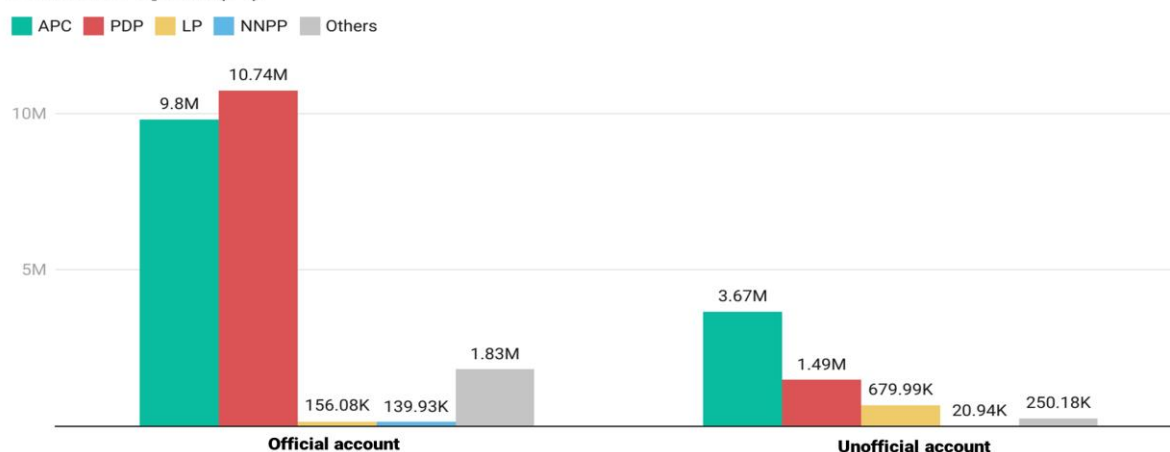
Although parties and candidates had official YouTube channels, party supporters' channels saw much higher activity, with LP supporter Aisha Yesufu's channel posting an average of 22 videos per week and having the highest total number of views - 5,619,278.

4. PAID FOR CONTENT (ADVERTISING)

In the peak of the campaign period, between January 2023 and mid-March 2023, the amount of funds spent on paid political content on Facebook and Instagram was NGN 28,784,369 according to Meta Ad Library, allowing to view the history of political and issue ads run by registered advertisers. The official handles of the political parties spent NGN 22,670,327, while the unofficial ones spent NGN 6,114,042. The group of other parties that purchased paid ads includes: AAC, YPP, ACCORD and SDP. The ads gained 8,280,000 impressions. Twitter does not allow political advertising, and although paid ads have been allowed on YouTube, since Google's transparency report is not active for Nigeria, details regarding paid ads are not publicly available.

Chart 10

Amount spent(₦)

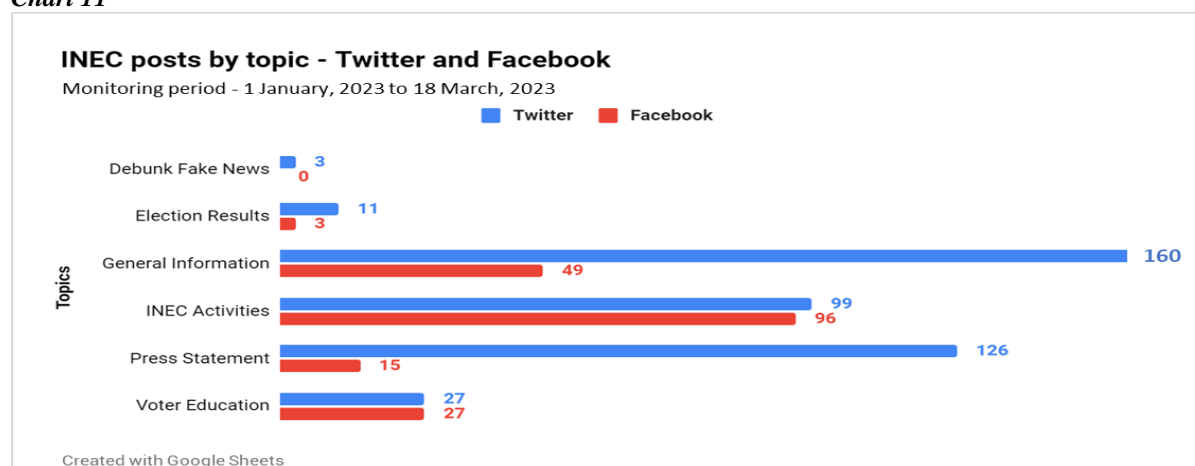


Created with Datawrapper

5. EMB – INEC

INEC published 633 messages on Facebook and Twitter. Particularly prior to the 25 February elections, the EMB used social media (Twitter primarily) extensively, to disseminate information, debunk fake news, and communicate with the public.

Chart 11



Created with Google Sheets

6. DEROGATORY LANGUAGE

The below-listed derogatory terms, some of which are based on ethnic sentiments, have been frequently used by various actors in online conversations. The EU EOM conducted analyses of their use on Twitter, analysing 100 randomly selected messages (tweets) containing the keyword, for each of the 7 groups of words. The ‘mentions’ tab highlights the number of times specific words were captured in twitter

conversation, and ‘usage’ indicates the number of times the words were used in a negative or derogatory context in the sample of 100 messages.

Table 4

	LANGUAGE	CONTEXT
#pigs or #PDPigs or People’s Pigs Party	English	Used to refer to Supporters of the PDP party by APC supporters.
#aboki	Hausa	Used to refer to northerners in a condescending manner by other ethnic tribes. The word originally means “friend”
#BokoHaram	English	A condescending reference to the people of the north, who are mostly Hausa (although the term is based on the name of a terrorist organisation that also operates in parts of northern Nigeria, in this context the term is used separately from that terrorist group).
#Athiefku	English	A term used to refer to PDP Presidential candidate Atiku Abubakar. With major reference to the “Atiku Gate Scandal” by APC supporters.
#Obidiots	English	A reference to Labour Party/ Obi supporters by supporters from the opposition, used frequently by APC loyalists and supporters.
#Obingo	English	“Bingo” means Nigerian local dog breed. This is used to refer to Labour Party/ Obi supporters by the PDP party supporters.
#Thiefnubu	English	A term used by supporters of the opposition parties to refer to Bola Ahmed Tinubu with reference to him being a drug lord.

Chart 12

Demeaning statements

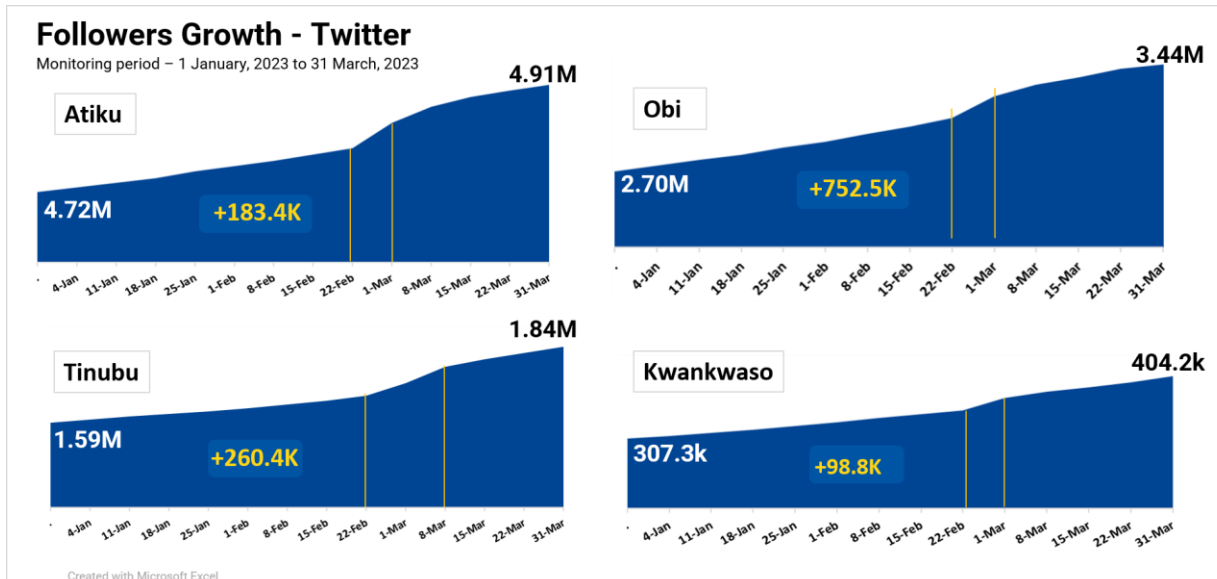
Monitoring Period - 1 January, 2023 to 25 February, 2023

	Mentions	Usage
Pdpigs	565	100
Thiefnubu	17,924	97
Obingo	2,850	94
Obidiot	14,812	92
Boko Haram	6,320	59
Athiefku	3,751	95
Aboki	3,706	59

7. INFORMATION MANIPULATION

There was a steady increase in the number of followers of key presidential candidates over a period of 3 months (January - March). During the week of the presidential election there was a sharp increase in the number of followers for all four candidates. It should be noted that a relatively large number of these new followers are suspicious accounts, used to create a false impression of support.

Chart 13



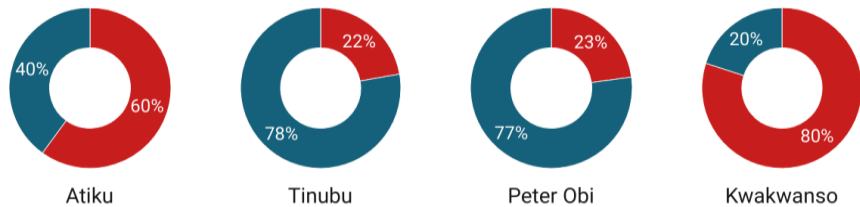
Analyses of a random sample of Twitter followers (who joined during January and February 2023) of major presidential candidates indicated a large portion of suspicious non-genuine accounts.

The sample, 3,000 twitter followers of each of the four major presidential candidates, was verified using the

Chart 14

Suspicious accounts

■ Suspicious ■ Genuine



Botometer, and Bot sentinel tools, as well as via manual verification. In the process, the EU EOM found that suspicious accounts accounted for 80 per cent of the sample of 3,000 new Kwankwaso’s followers, 60 per cent of the sample of 3,000 Atiku’s followers, 29 per cent of Obi followers and 22 per cent of the sample of 3,000 Tinubu’s followers. Many accounts could not be identified as suspicious at first glance because they had an original-looking profile name or used a random snippet of a photo used online as a profile picture that could not be directly identified as having already been used (using Google's reverse image search), but deeper investigation revealed problematic aspects, which were anonymity, or high engagement and endorsement of particular people, topics or hashtags.

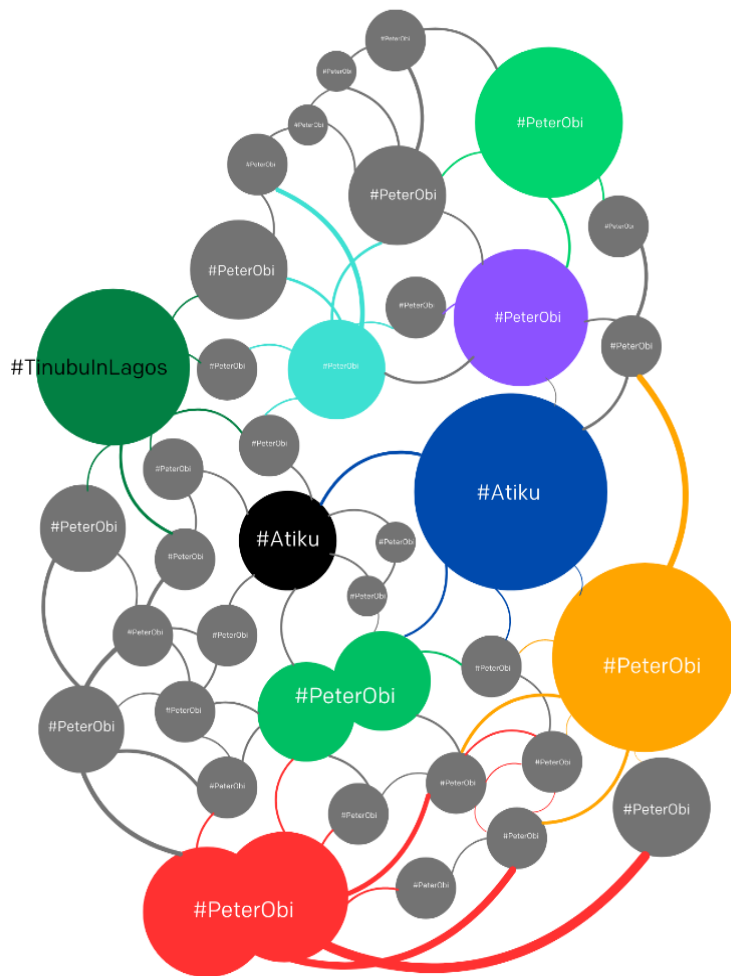


Chart 15 Conversation related to the hashtag #TinubuInLagos on Twitter with 11 000 tweets (21 February 2023).

(mis)use of hashtags

In connection with the final rally of the APC presidential candidate in Lagos on February 23, APC supporters made the hashtag #TinubuInLagos to create a buzz around the last rally of the APC presidential candidate. The hashtag associated with this campaign event was quickly taken over by supporters of other candidates, who used it to divert conversation from the event. About 80 per cent of some 11,000 tweets involved in a few-hours long conversation associated with this hashtag promoted Obi; Atiku-supporting users also joined in the conversations, forming a fairly large group that generated more links than APC supporters.

Data was collected in real-time over two sessions through Gephi using the Twitter streaming importer plugin. The bubble graph shows the nodes, edges

and clusters of the conversation and the volume of conversation. The green cluster in the top left corner is the main conversation about the active #TinubuInLagos event. The dark blue and black clusters represent conversations around Atiku, while all other colours point to the LP presidential candidate. There is a small but notable percentage of users who were not necessarily part of the main topics discussed, but used the keywords/hashtags.

Misleading information targeting parties/candidates - The EU EOM social media monitoring team came across a substantial number of false news captured during monitoring process or shared by EU EOM members including long-term observers. The messages were in a variety of formats, ranging from text to images, videos and audio recordings. Of the 140 messages that were captured/received as suspicious between 23 January, the start of the monitoring process, and end of March, the EU EOM social media monitoring team assessed 93 as false, 14 of which were directly refuted or confirmed by fact-checking organizations. A further 47 reports could not be verified as clearly false because verification would have required actual in-depth fact-checking, for which the team did not always have the capacity or sources of information. There was an increased incidence of misleading information in the days leading up to and during the election. In many cases, false reports were spread by well-known personalities associated with political parties.

Examples

Femi Fani-Kayode, a former minister of aviation and an APC party member, made a claim on February 11, 2023, that the PDP presidential candidate Abubakar, had a secret meeting with serving military Generals in Abuja. He accused Atiku of wanting to incite chaos, provoke a coup d'état, and establish a new and unconstitutional order. Kayode posted this claim across multiple social media platforms, and it garnered 281.2k total impressions. The next day, he posted that the Army denied reports about a meeting between its officers and Atiku.

On 12 February Festus Keyamo from APC promoted information published by a suspicious website, accusing Peter Obi of bribery. The story quickly become viral and was in few hours debunked.

On March 3, 2023, a Twitter user; @vicdubem posted screenshots of a non-existent joint press statement from the EU, and NDI/IRI Election Observation Mission, dated 2 March 2023 calling for the disqualification of Tinubu for “gross electoral misconduct”, and demanding INEC chairman to step down, and the election result to be reviewed or the election re-run. The was seen about

← Tweet



Festus Keyamo, SAN
@fkeyamo

Popular Pastor Exposes Peter Obi's N2B Bribe To Christian Bodies - NigeriaCheck Newspaper nigeriacheck.com.ng/2023/02/12/pop...

2:07 PM · Feb 12, 2023 · 1M Views

447 Retweets 1,053 Quote Tweets 1,980 Likes

20,000 times, and despite being reported to Twitter, it remained active, and become viral again after the 18 March election day, further collecting views reaching all together almost 50,000 views.

On Sunday 19th March 2023, a plethora of social media pages congratulated senator Aisha Binani, the APC female gubernatorial candidate as she was said to have emerged as the first elected female governor before the official announcement of the winner by the electoral body, INEC. The elections were however inconclusive. The posts were shared multiple times, including by some reputable sources.

